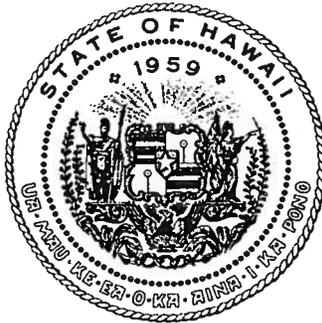


**DEPARTMENT OF TRANSPORTATION'S**  
**REPORT TO THE LEGISLATURE**  
**OF**  
**THE STATE OF HAWAII**  
**ON**  
**THE TEMPORARY HAWAII**  
**INTER-ISLAND FERRY OVERSIGHT TASK FORCE**



Pursuant to Act 2 of the Twenty-Fourth Legislature,  
2007 Second Special Session

May 23, 2008

## **Sixth OTF Meeting**

The Temporary Hawaii Inter-Island Oversight Task Force (OTF), pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session, held its sixth meeting on May 9, 2008 at the Honolulu International Airport, Conference Room C.

### **Members Present**

Michael Formby (DOT designee)  
Domingo Cravalho (Chair DOA designee)  
Russell Tsuji (Chair DLNR designee)  
John Garibaldi (President, large capacity ferry vessel company, designee)  
Randy Awo (Maui county)  
Sara Peck (Hawaii county)  
Michael Matsukawa (Hawaii county)  
Michael Q. Y. Lau (AG designee)  
Dennis Chun (Kauai county)  
William Aila, Jr. (Oahu county)

### **Members Excused**

Kauila Clark (Oahu county)  
Colette Machado (Maui county)  
Lynn McCrory (Kauai county)

### **Other Attendees**

Margaret Ahn (Deputy AG)  
Napua Brown (Mayor Kim's office)

The Agenda for the May 9, 2008 meeting was publicly posted with the Office of the Lieutenant Governor and distributed to the Governor's Liaisons for posting in the state and county office buildings on Maui, Hawaii and Kauai. A copy of the Agenda is attached hereto as Attachment "A."

The meeting was facilitated by Michael D. Formby, the DOT designee.

### **Call to Order**

The meeting was called to order at 1:03 p.m. with a roll call vote taken and 10 members present representing a quorum.

### **Approval of Minutes**

Draft minutes for the April 4, 2008 meeting were distributed, reviewed, one change made and approved by motion of Member Cravalho, second by Member Peck and unanimous

passing by vote of the OTF members. The approved minutes are attached hereto and will also be posted at:

<http://hawaii.gov/dot/harbors/hawaii-inter-island-large-capacity-ferry-vessel-oversight-task-force>.

### **Act 2 EIS Update by Michael D. Formby**

Member Formby received an email update from Lesley Matsumoto of Belt Collins and reported that Belt Collins had completed collecting public input via the 12 informational meetings, but that was not to be confused with the receipt of formal comments which has yet to occur. Belt Collins is processing and sorting the findings of their informational meetings. They did identify certain issues that need to be addressed in the Act 2 EIS and are making the necessary adjustments. Before they can start the traffic studies, they need to make certain critical assumptions regarding the vessel schedule and they are working with Hawaii Superferry (HSF). HSF begins the second service to Maui on May 9, 2008. Once the exact times on the second voyage are confirmed and approved by the PUC, the traffic studies will be underway. Belt Collins is still consulting with agencies, organizations and individuals.

### **Department of Agriculture (DOA) Presentation by Domingo Cravalho, Jr.**

DOA presented the following documents to the OTF:

Hawaii Superferry Operations/April 2008 Update  
2008 Legislative Bills Related to HDOA  
Large Capacity Ferry Vessel Operations for Maui and Oahu (data collection forms)

Copies of the documents are attached hereto as Attachments "B", "C" and "D".

**Next Meeting:** After discussion, members decided to hold the next OTF meeting on Friday, June 13, 2008, from 11:00 a.m. - 3:00 p.m. at Kahului Harbor. The Fishing Hale was offered as a forum by Member Awo, but due to the lack of electricity, the Pier 1 Passenger Terminal, 128 Ala Luina Street, Kahului, Maui, Hawaii, was selected and will be properly noticed as the meeting site. Parking is available to the public.

It was also decided by the members that they would ride the Superferry over to Maui for the meeting and fly home following the meeting. As the ride over to Maui will be but a means of transportation to Maui (akin to the airlines) and will not be a forum for the OTF meeting, members will not be permitted to discuss OTF matters or issues on the vessel and the OTF will not be convened until 11:00 a.m. on Maui.

### **Hawaii Superferry Presentation by Terry O'Halloran**

Terry O'Halloran presented the following statistics via a powerpoint presentation:

April 1-6, 2008        HSF not in operation – pre-sail preparations and inspections in progress.  
April 7-30, 2008      24 round trips between Oahu and Maui

Average PAX load from Oahu to Maui = 119 PAX/voyage  
Average PAX load from Maui to Oahu = 117 PAX/voyage  
Average vehicle load from Oahu to Maui = 37/voyage  
Average vehicle load from Maui to Oahu = 35/voyage

A copy of the HSF powerpoint presentation is attached hereto as Attachment “E”.

At the request of the OTF members, Mr. O’Halloran distributed a copy of HSF whale location charts, by date, for the OTF members to review. A copy of the whale location charts is attached hereto as Attachment “F”.

HSF also provided its Whale Avoidance Logs for April 2008, a copy of which is attached hereto as Attachment “G”.

#### **DOCARE Update by Randy Awo**

Randy Awo, Branch Chief, DLNR, DOCARE, Maui, presented DOCARE statistics to the OTF. A two page summary of the statistics, prepared by Stanley Okamoto, is attached hereto as Attachment “H”.

Member Peck inquired if there is anything being done to look at criminal activity (i.e. smuggling via the vessel). Member Awo stated that DOCARE’s position is if they are able to detect any kind of criminal activity, then they have the ability to make an arrest. There is no evidence of that kind of activity as of yet.

Member Peck asked if DOCARE officers are deputized as federal agents? Can they search anything under federal law? DOCARE operates under the Hawaii Revised Statutes (state law) and their searches require, at a minimum, probable cause.

Member Matsukawa asked if DOCARE officers are deputized for customs? Member Awo stated they are not.

Member Awo reported that he received a call from a boat operator with a captain’s license with a concern that occurred on May 5, 2008. According to the Captain, he had a close encounter with the vessel off Maunaloa Bay. There was no radio contact by either vessel. A summary of the incident is attached hereto as Attachment “I”.

Member Garibaldi agreed to go back and discuss the reported incident with HSF personnel. Member Aila questioned whether the mentioned area is noted for bottom fishing and, if so, it would be good information for HSF to have on their GPS. Member Chun asked if HSF has a schedule and route, does that mean others cannot be in that

area? Member Matsukawa suggested an educational effort for fisherman. Member Garibaldi stated that all times and routes are available on HSF's website.

**OTF Recommendations and/or Findings Per Act 2 Mandate**

Member Chun called for a motion to request the U.S. Coast Guard attend the next Oahu meeting (July 2008) to address concerns relating to the inspection and certification of the HSF vessel, Alakai, while in drydock in February and March 2008. USCG inspected it in early April. Member Awo seconded the motion and it passed unanimously. DOT will see if the U.S. Coast Guard is available to attend the meeting and answer questions from the members.

Member Chun called for a motion to invite Belt Collins to the June 2008 Maui meeting to give an update on their work to include describing the methods they are using to address the effects of the operation on the conditions listed in at Act 2, page 16 as follows:

1. Ocean Life and marine animals and plants, including but not limited to an existing or proposed inter-island ferry operations' whale avoidance policy and procedures;
2. Water resources and quality;
3. Harbor infrastructure;
4. Vehicular traffic
5. Public safety and security;
6. The potential to spread invasive species;
7. Cultural resources, including hunting, fishing, and native Hawaiian resources;
8. Economic consequences and impact; and
9. Any other natural resources or community concern

Motion amended by Member Peck as conditions listed on page 44 and 45. Member Awo seconded and passed unanimously. DOT will see if Belt Collins is available to brief the OTF on Maui in June 2008.

Member Awo called for a motion for DOT to provide a copy (via link) of the Auditor's Phase I report to the Oversight Task Force members. Member Chun seconded and passed unanimously. The link was provided to the members and is available to the public on the DOT website.

**Conclusion:** The next meeting of the OTF is scheduled for Friday, June 13, 2008, 11:00 a.m. – 3:00 p.m. in Kahului, Maui, at the cruise passenger terminal, Pier 1, Kahului Harbor.

## **AGENDA**

**Act 2 Temporary Hawaii Inter-Island Ferry  
Oversight Task Force (OTF) Meeting  
Friday, May 9, 2008  
1:00 p.m. – 4:00 p.m.  
Honolulu International Airport, Inter-Island Terminal  
7<sup>th</sup> Floor, Conference Room C**

- I. ROLL CALL
- II. APPROVAL OF MINUTES – MEETING OF APRIL 4, 2008
- III. INFORMATION BRIEFINGS
  - A. DOA UPDATE ON INSPECTIONS/FINDINGS
  - B. HSF UPDATE ON OPERATIONS
  - C. DOCARE UPDATE ON INSPECTIONS/FINDINGS
  - D. DLNR AND DOA LEGISLATIVE UPDATE
- IV. ACT 2 EIS UPDATE
- V. COMMUNITY INPUT
- VI. OTF FINDINGS AND RECOMMENDATIONS PER ACT 2 MANDATE
  - A. Report on status of OTF Letter to the Judiciary
- VII. NEXT MEETING/LOCATION/DATE/TIME
- VIII. ADJOURNMENT

Persons with disabilities who need accommodation should call (808) 587-3651 at least 3 business days prior to the meeting.

2008 LEGISLATIVE BILLS RELATED TO HDOA

MEASURE TITLE	BILL NO.	REPORT TITLE	DESCRIPTION
<p>Relating to Biosecurity</p> <p>"Cargo carriers prepare manifests into and between islands"</p> <p>"GF: \$250,000 for FY09"</p> <p>"PIQEF: \$6,000,000 for FY09"</p>	<p>SB2850 SD2 HD1 CD1</p>	<p>Invasive Species; Biosecurity Program; Appropriation (\$)</p>	<p>Establishes and appropriates funds for the department of agriculture's biosecurity program. Appropriates funds for planning interim and permanent joint inspection facilities.</p>
<p>Relating to Invasive Species</p> <p>"50-cents per 1000-pounds of freight"</p>	<p>HB2843 HD2 SD2 CD1</p>	<p>Invasive Species; Fees; Freight</p>	<p>Expands the items subject to the inspection, quarantine, eradication service fee (inspection fee) to include any freight brought into the State. Requires the inspection fee to be assessed based on net weight of imported freight. Designates the person paying the freight charges to a transportation company as the party responsible for paying the fee. Clarifies that the transportation company is not liable for the fee in the event the party responsible for the fee fails to pay it.</p>
<p>Relating to Invasive Species</p> <p>ACT 040 4/28/2008</p>	<p>HB2517 HD1</p>	<p>Invasive Species; Restricted Plants; Noxious Weeds</p>	<p>Allows the Department of Agriculture to regulate or prohibit the sale of specific plants on the restricted list. Prohibits the sale of noxious weeds, provided that noxious weeds may be imported only for research, by permit.</p>
<p>Relating to Invasive Species</p>	<p>HB 2977 HD1</p>	<p>Invasive Species; Coqui Frogs</p>	<p>Requires appropriate state agencies to collaborate with the counties and communities to develop and implement a systematic approach to reduce and control coqui frog infestations on public lands that are near or adjacent to communities, and to report on this progress annually.</p>
<p>Relating to Decriminalization of Minor Offenses Pursuant to Act 124, Session Laws of Hawaii 2005</p>	<p>SB 2400 SD2 HD2 CD1</p>	<p>Minor Offenses; Decriminalization</p>	<p>Decriminalizes minor offenses outside the Penal Code pursuant to Act 124, SLH 2005</p>

# Hawaii Superferry Operations April 2008 Update



Oversight Task Force Meeting  
May 9, 2008  
Honolulu, Oahu  
Domingo Cravalho, Jr.  
Plant Quarantine Branch

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Ensuring that the requirements of  
Act 2 SLH, 2007 Second Special Session,  
and Executive Order 07-10 are met!



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## Conditions and protocols include:

- Ocean Life and Marine Animals and Plants
- Water Resources and Quality
- Vehicular Traffic
- Public Safety and Security
- Invasive Species
- Cultural and Natural Resources
- Other (Miscellaneous Requirements)

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### **April 2008 Operations**

- Service resumed on April 7, 2008
- 24 roundtrips between Oahu and Maui



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### **Honolulu Harbor Monitoring**

- 2,670 passengers / 854 vehicles
- 51 equipment – camping, hiking, hunting, snorkeling, diving, fishing, boating
- 4 off-road vehicles – (3) dirt bikes, (1) ATV
- 4 dirty / muddy vehicles – Treated and Released
- 65 propagative plants – Refused Entry
- 23 non-propagative – cut flowers and fruits
- 33 bees (dead) / 2 spiders – Refused Entry
- 1 cat / 21 dogs
- 3 horses with HDOA certificate
- 50 aquatic life - crustacean (frozen-commodity shrimp)

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### **Kahului Harbor Monitoring**

- 2,771 passengers / 832 vehicles
- 25 equipment – snorkeling, diving, fishing, boating
- 12 off-road vehicles – (4) 4X4,(5) dirt bikes, (3) ATV
- 36 dirty / muddy vehicles – Treated and Released
- 3 dirty / muddy vehicles – Refused Entry
- 7 propagative plants – Inspected and Released
- 26 propagative plants – Refused Entry
- 356 non-propagative – cut flowers / foliage, fruits and vegetables
- 29 bees (dead) – Refused Entry
- 1 cat / 10 dogs
- 3 horses with HDOA certificate
- 2 natural resources – (1) rock / (1) sand, Refused Entry
- 5 aquatic life – algae (ogo), Referred to DLNR-DOCARE
- 1 cut log – Referred to DLNR-DOCARE

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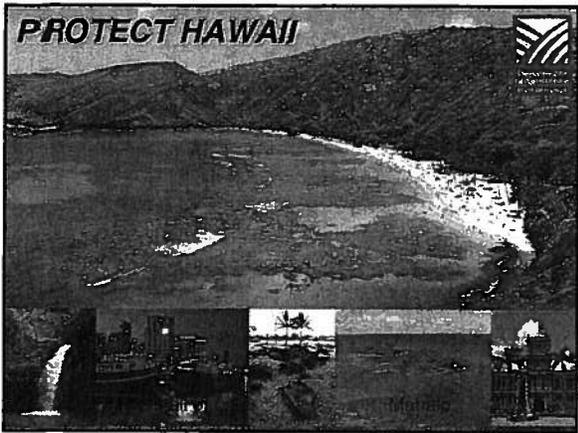
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Large Capacity Ferry Vessel Operations

MO/YR: Apr-08  
 PORT: OAHU

E. INVASIVE SPECIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTALS
1 Passenger								88	43	44	62	87	103	25	89	68	609
2 Vehicles								12	19	15	26	26	26	23	34	25	206
3 Equipment		a) Camping						2		2			3				7
		b) Hiking						1		2							3
		c) Hunting						1				4					5
		d) Snorkelling						1		2			2	1			6
		e) Diving															0
		f) Fishing						1			2					1	6
		g) Boating														1	2
4 Dirty / Muddy Off-Road Vehicles		a) 4W-Drive															0
		b) Dirt Bikes															0
		c) ATV															0
5 Dirty / Muddy Vehicles		a) T/R															0
		b) RE															0
6 Propagative Plants		a) I/R													1		0
		b) RE															1
7 Non-propagative		a) Cut flower						1	2				3			3	9
		b) Cut foliage															0
		c) Fruits											5				5
		d) Vegetables															0
Other Animals		a) Bees								1			1				3
		b) Insects															0
		c) Birds															0
		d) Other												1		1	2









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# Oversight Task Force Status Update

May 9, 2008



## Alakai Voyage Statistics

Statistics of HSF voyages from April 1 – 30, 2008:

- April 1 – 6: pre-sail preparations and inspections
- April 7 – 30: 24 round trips between Oahu and Maui
- Average PAX load from Oahu to Maui = 119 PAX / voyage
- Average PAX load from Maui to Oahu = 117 PAX / voyage
- Average vehicle load from Oahu to Maui = 37 / voyage
- Average vehicle load from Maui to Oahu = 35 / voyage

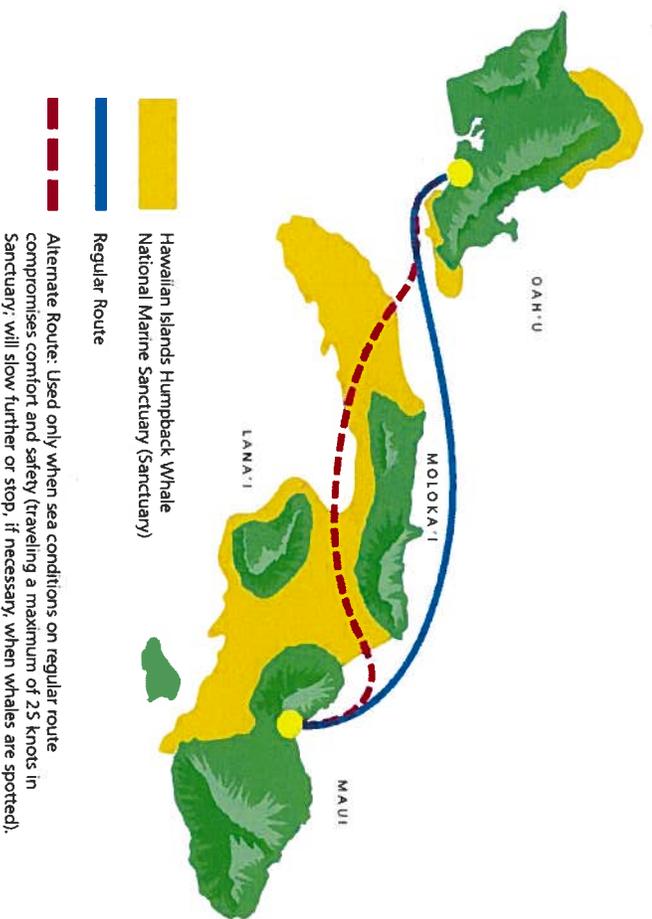




## Alakai Voyage Statistics

### Whale statistics of HSF voyages:

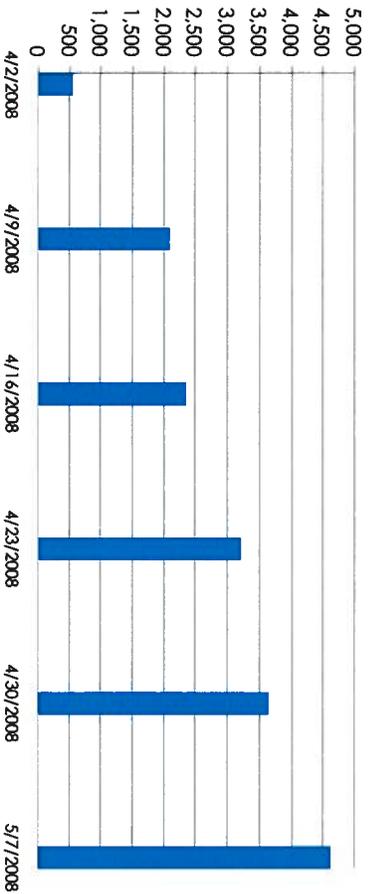
- 11 out of 48 one-way voyages used route South of Molokai
- Average of 20 whale sightings per day on 24 round trips
- Four whale approaches (less than 100 yds) Standard protocols were followed



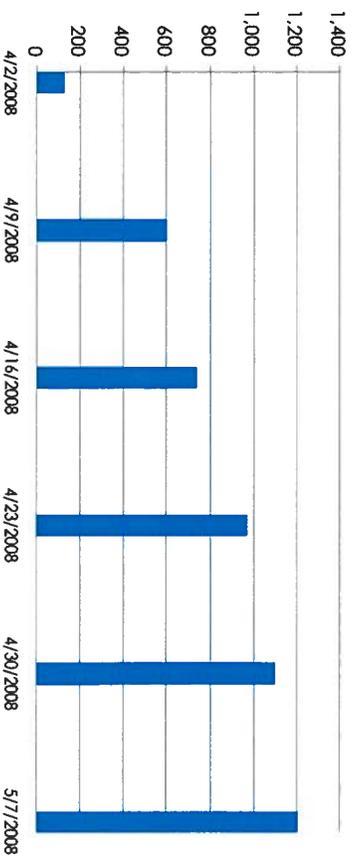


# Advance Bookings

Passengers Booked per Week



Vehicles Booked per Week



Marine Operations

Whale Sighting Position Log

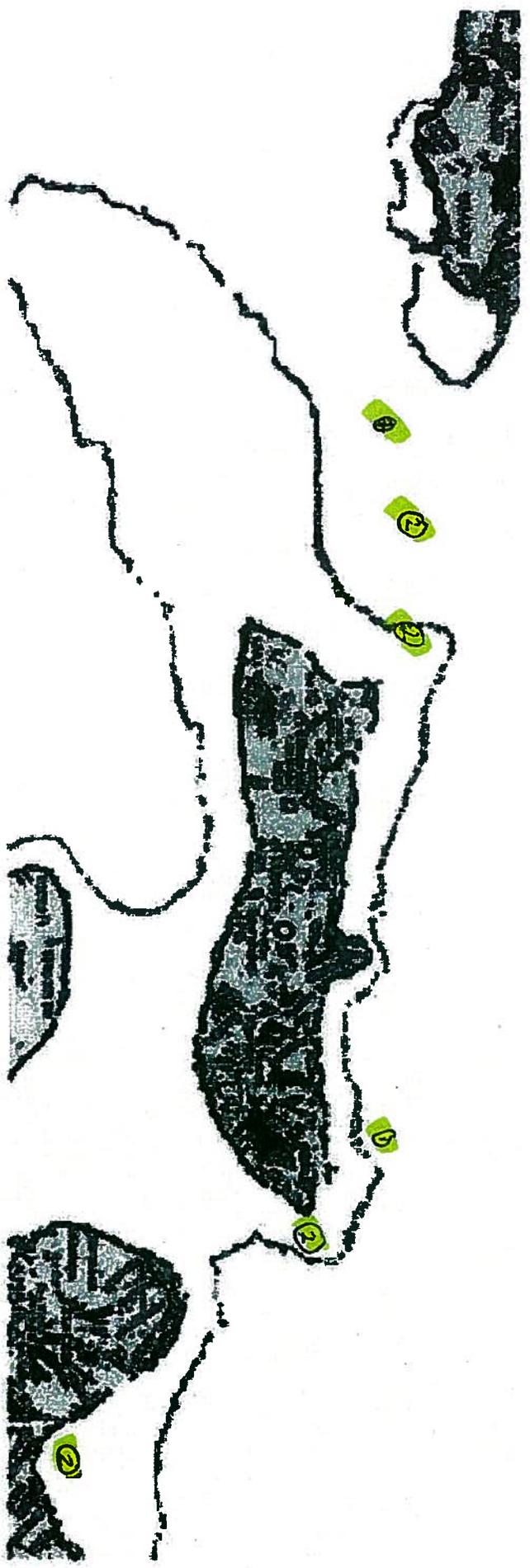
Date: 4/7/08

Crossing: HNL to KAH

Total Sightings: 11

RT 3

N. MOLOKAI



HMS-Hawaii/wha

4/5/2008 11:34:03 AM

Attachment "F"

Marine Operations

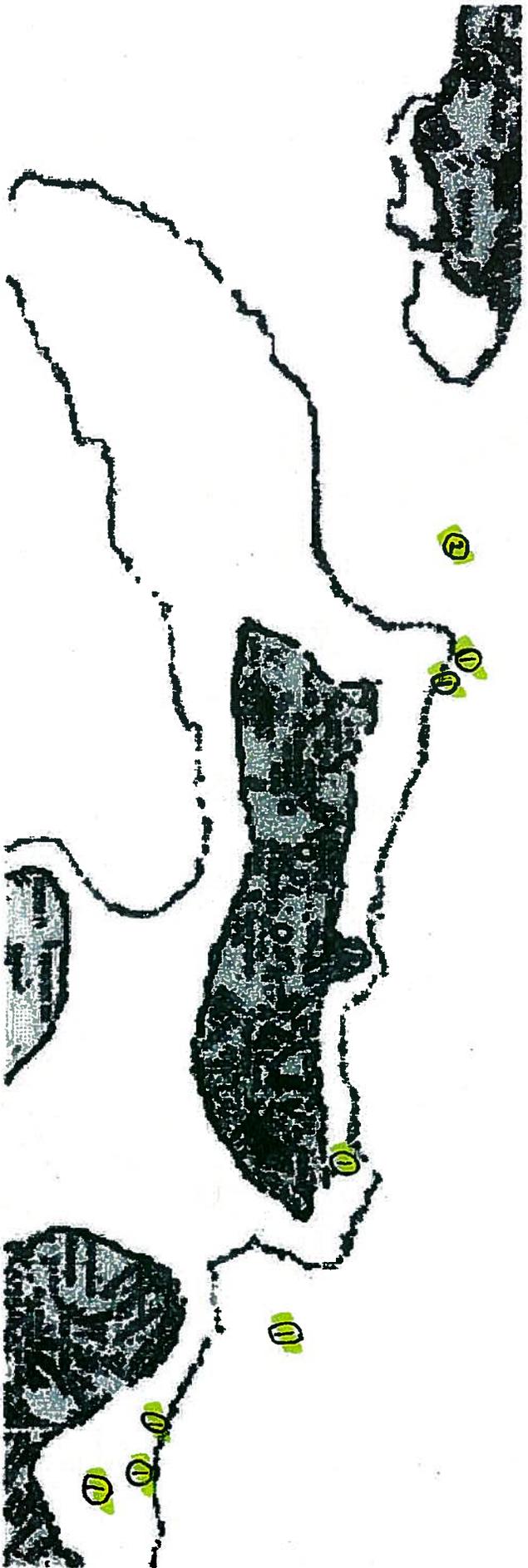
Whale Sighting Position Log

Date: 4/7/68

Crossing: KAH to HNL

Total Sightings: 9

PTC 3 N. MOWOKAH



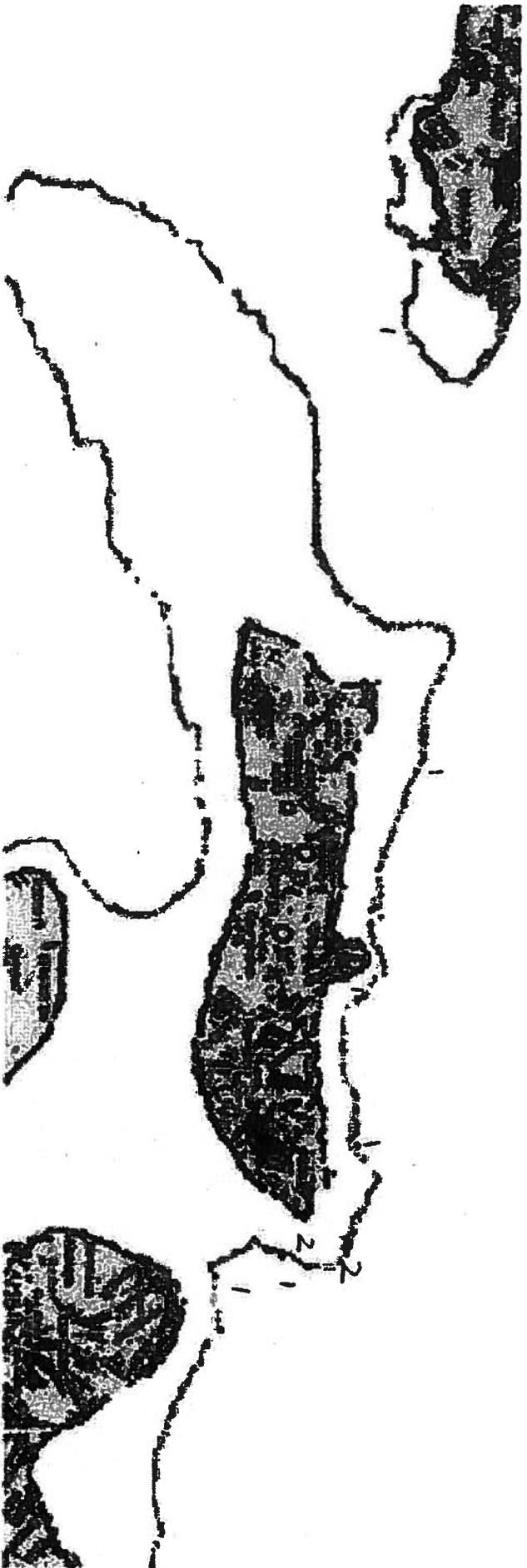
Marine Operations

Whale Sighting Position Log

Date: 4/8/08

Crossing: HNZ to KAH

Total Sightings: 10



HMS-Hawaii/wha

4/5/2008 11:34:03 AM

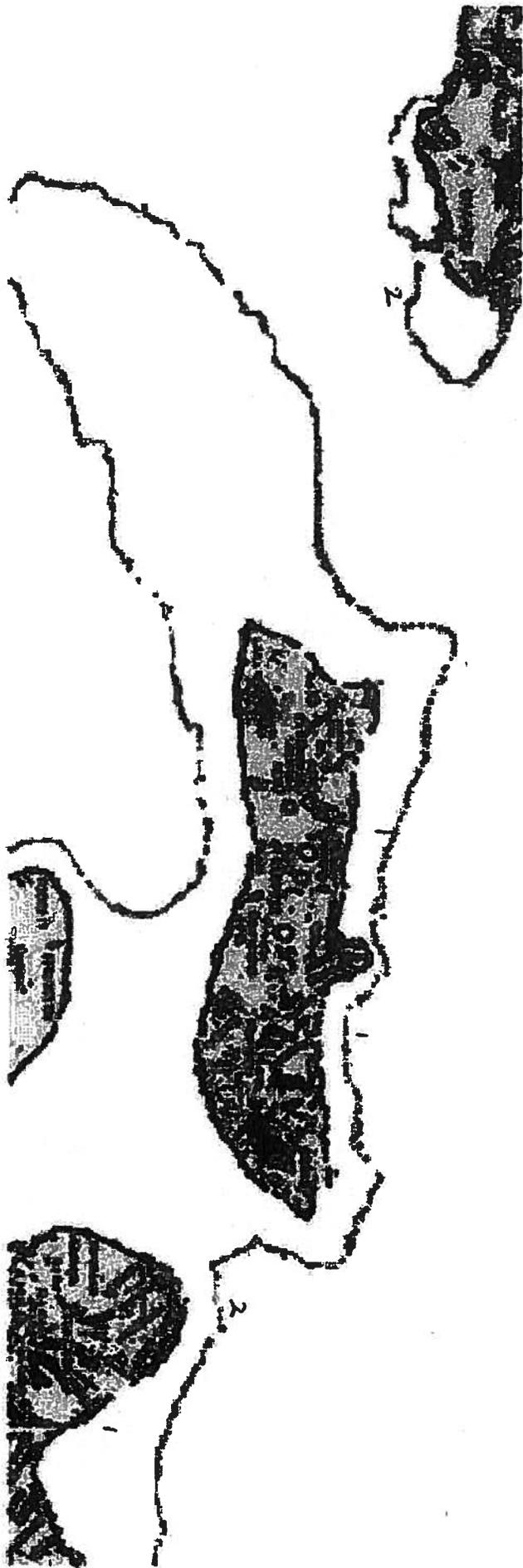
Marine Operations

Whale Sighting Position Log

Date: 4 / 8 / 08

Crossing: KAH to HNL

Total Sightings: 7

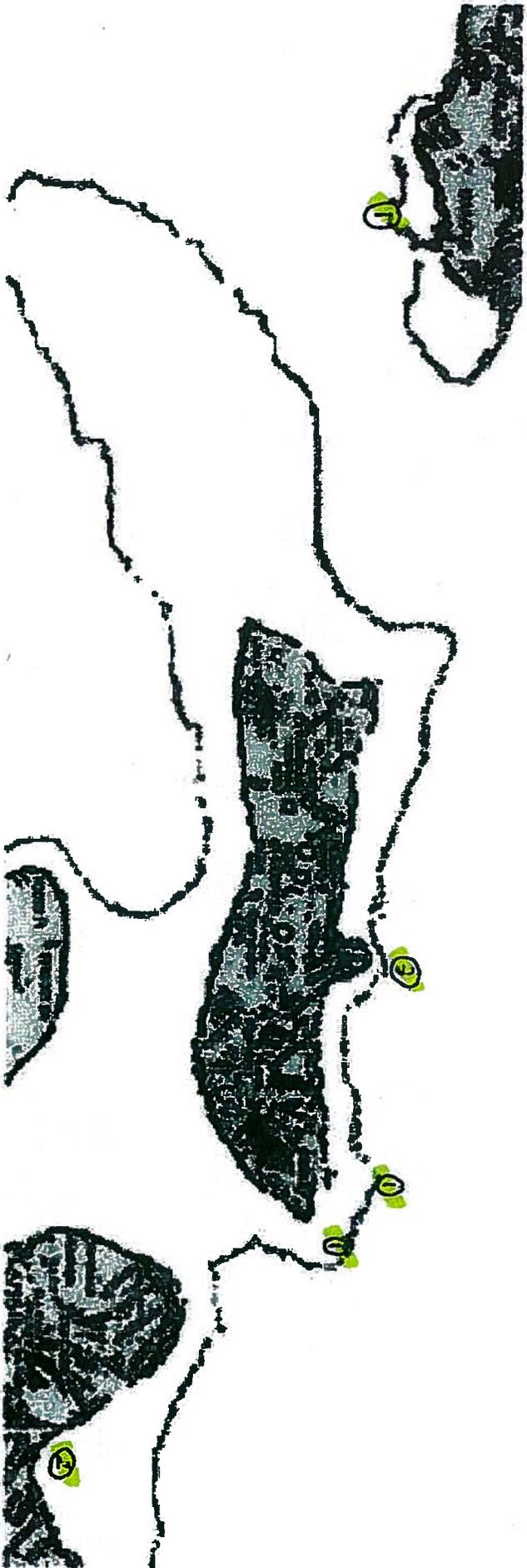


Marine Operations

Whale Sighting Position Log

Date: 4 / 9 / 07

Crossing: HNL to KAH (R13) Total Sightings: 7



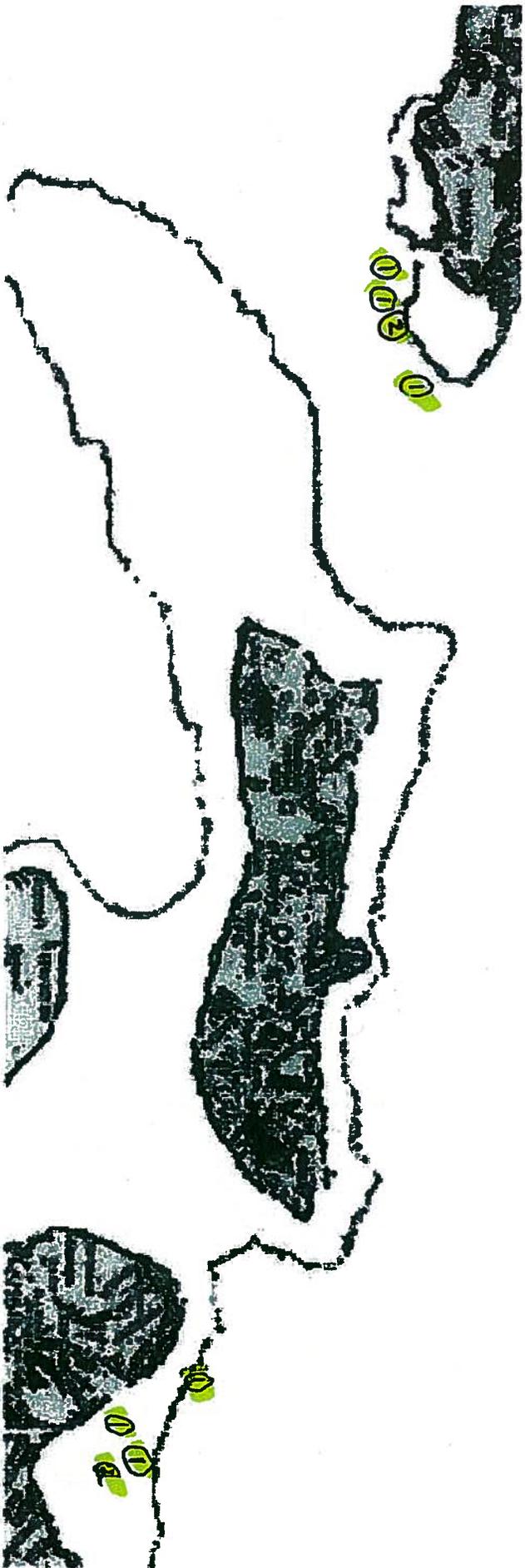
Marine Operations

Whale Sighting Position Log

Date: 4/9/07

Crossing: Kat to HNL

Total Sightings: 10



Marine Operations

Whale Sighting Position Log

Date: 4/10/08

Crossing: HNL to KAH

Total Sightings: 9



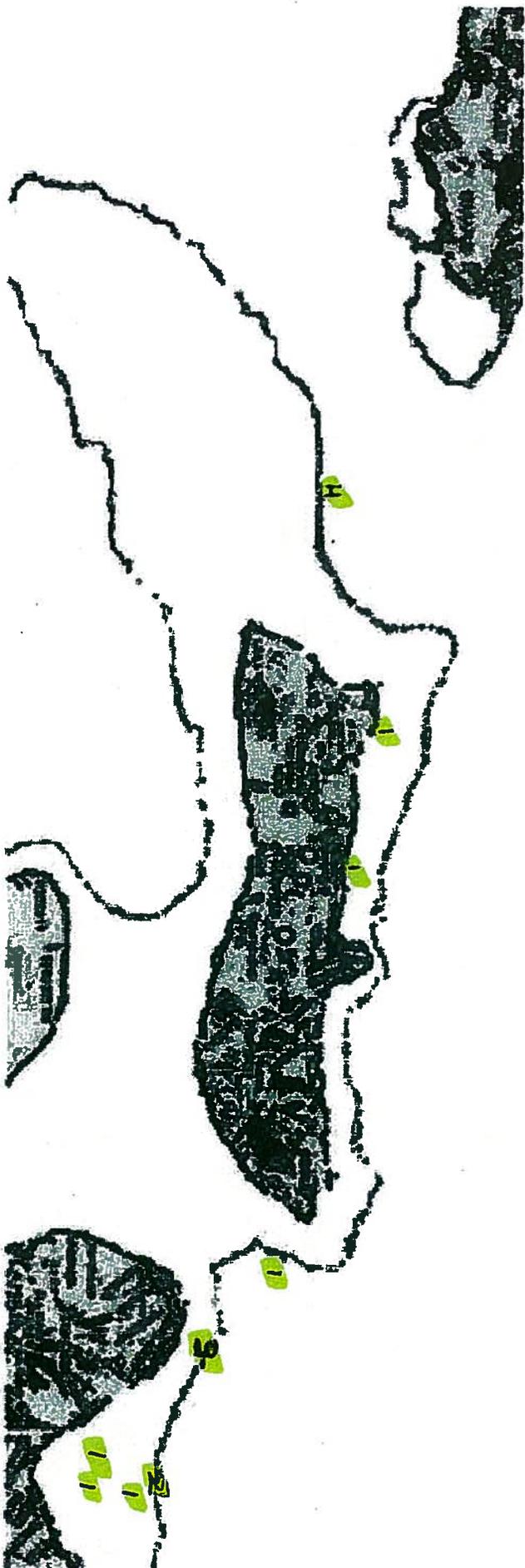
Marine Operations

Whale Sighting Position Log

Date: 4/10/08

Crossing: KAH to HAU

Total Sightings: 15



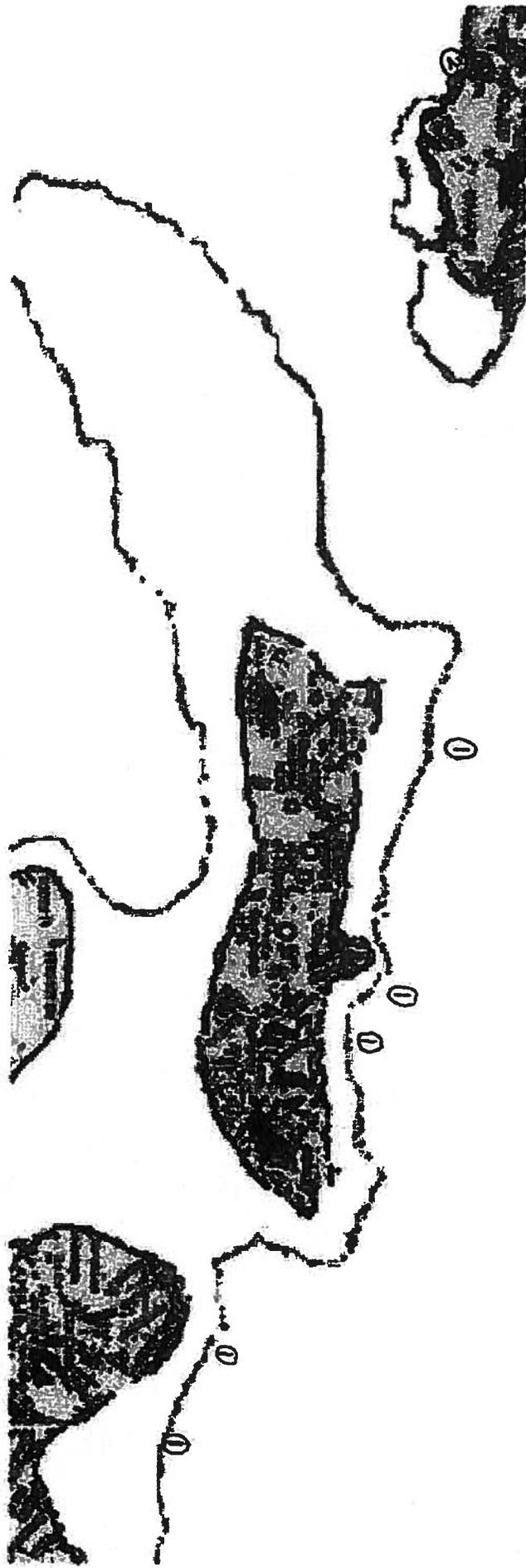
Marine Operations

Whale Sighting Position Log

Date: 4/11/08

Crossing: HNL to KAA (RT)

Total Sightings: 7

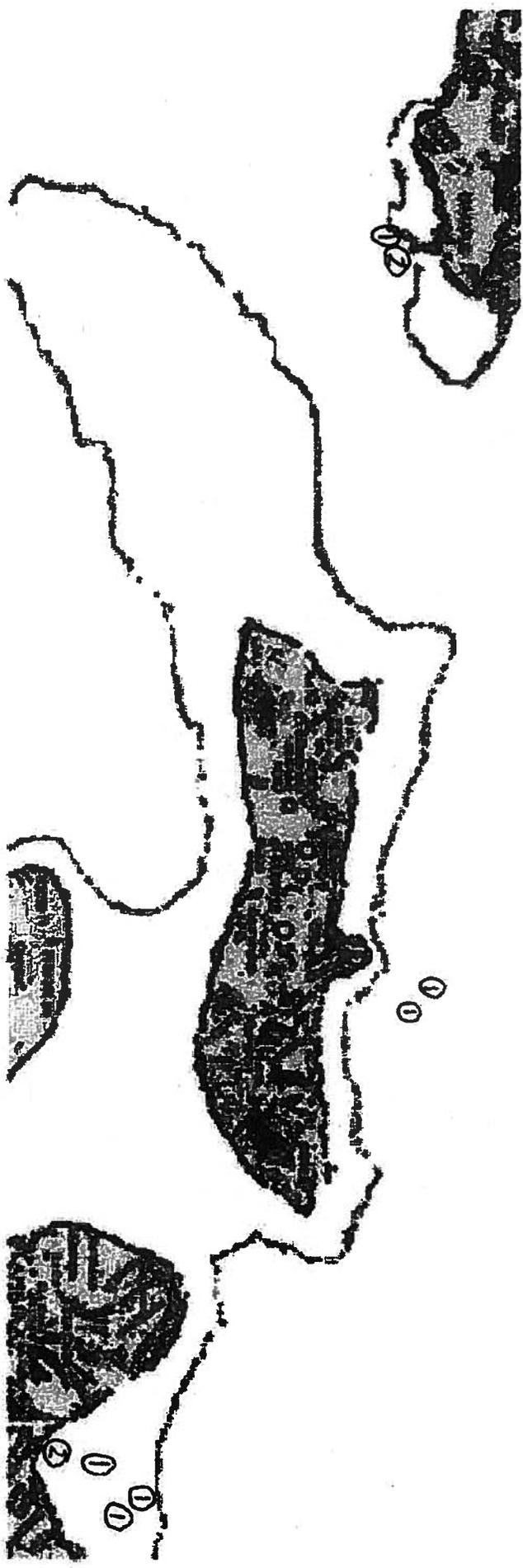


Marine Operations

Whale Sighting Position Log

Date: 4/11/08

Crossing: KAH to HNL (RT3) Total Sightings: 10





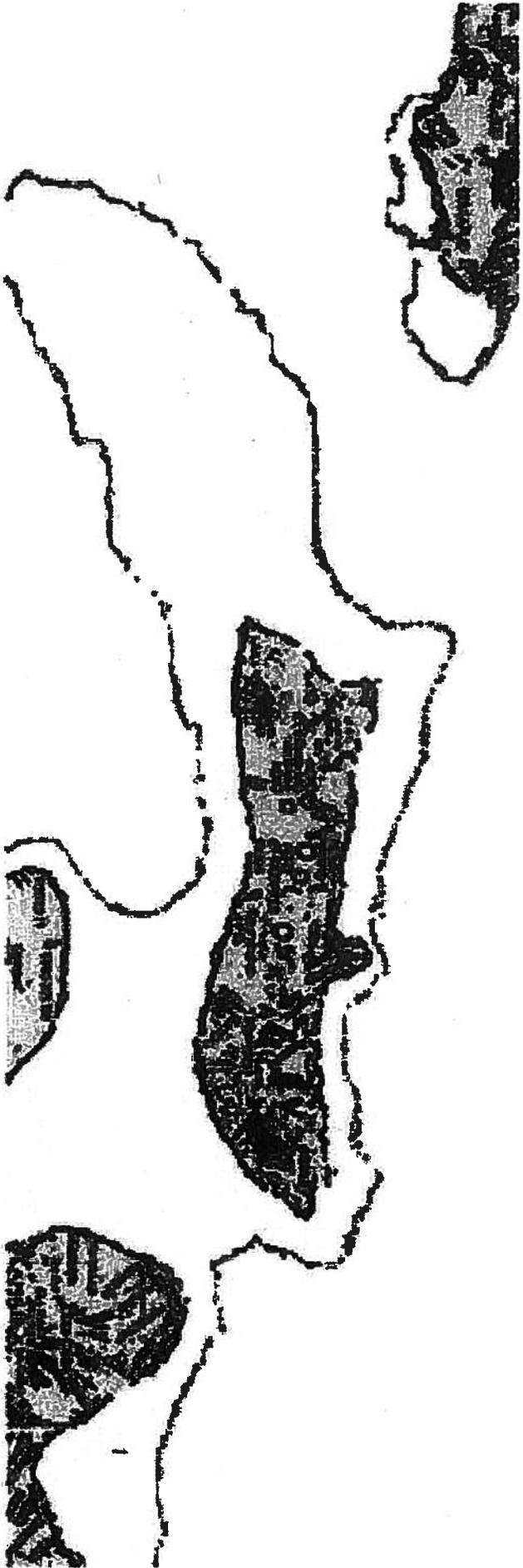
Marine Operations

Whale Sighting Position Log

Date: 4 / 12 / 08

Crossing: KAH to HNL

Total Sightings: 1



Marine Operations

Whale Sighting Position Log

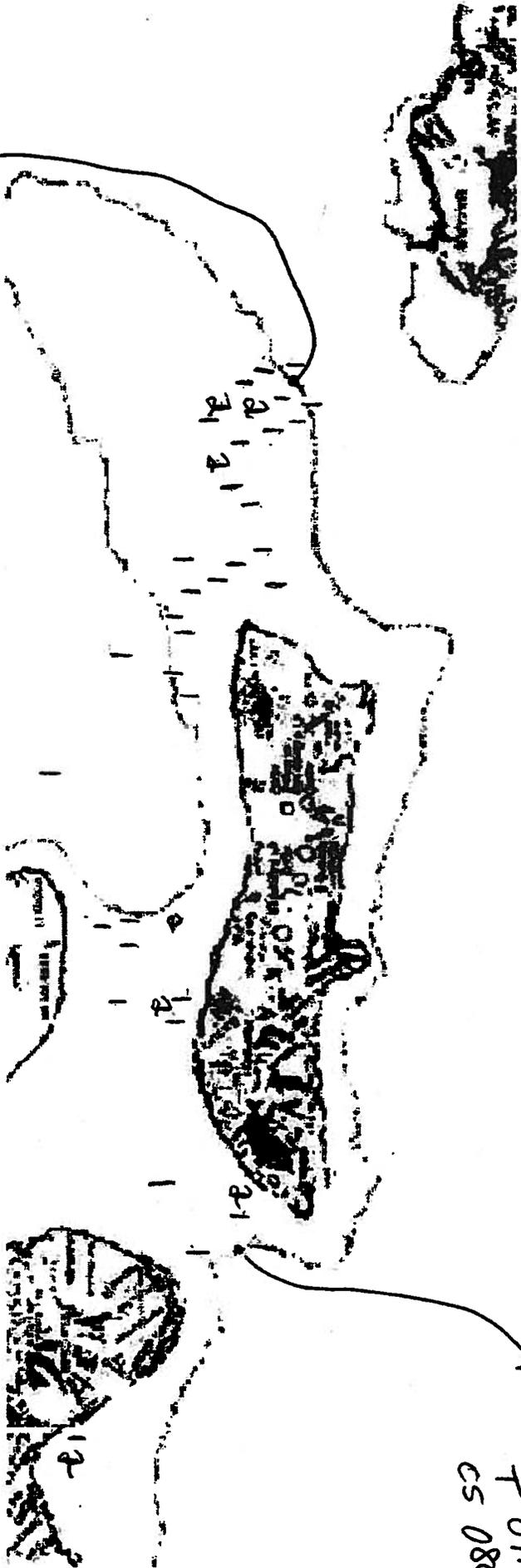
Date: 4/13/08

Crossing: HNL to KAH

RT2

Total Sightings

48



L 21-05.2N  
 λ 157-04.9W  
 T 0703  
 CS 107°  
 HNS-HAWAII/WTA

EXOT  
 L 21-9.6N  
 λ 156-34.5W  
 T 0913  
 CS 080°

Marine Operations

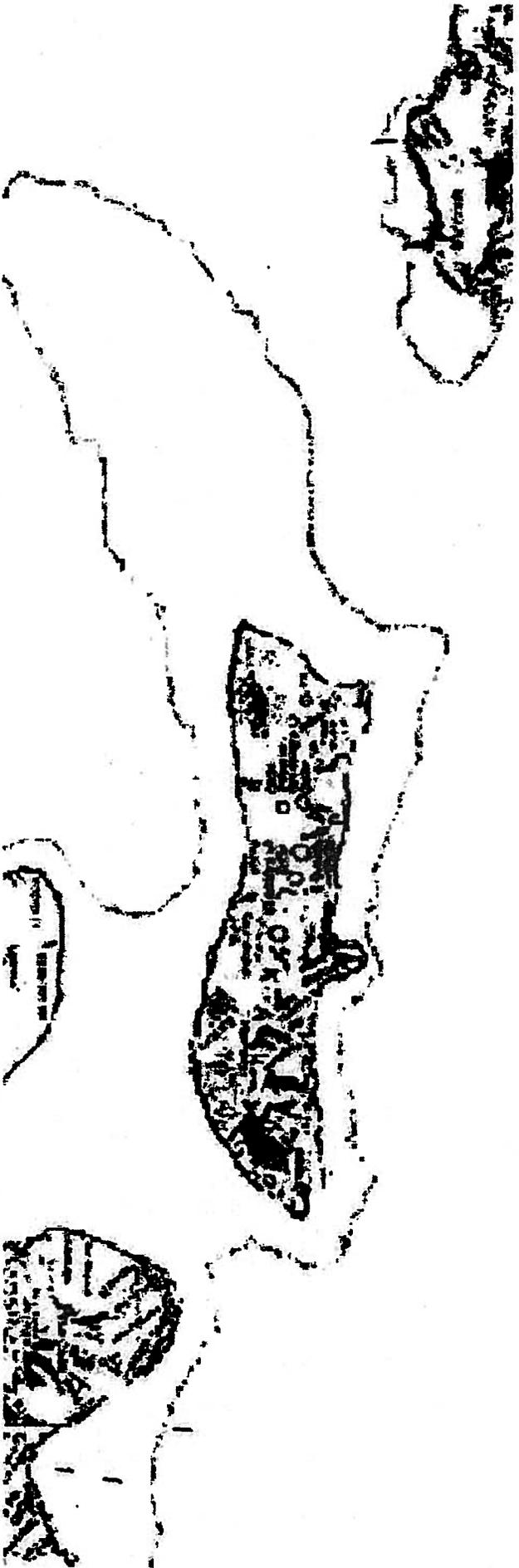
Whale Sighting Position Log

Date: 4/13/08

Crossing: KAH to HNL

Total Sightings: 4

RT3



Marine Operations

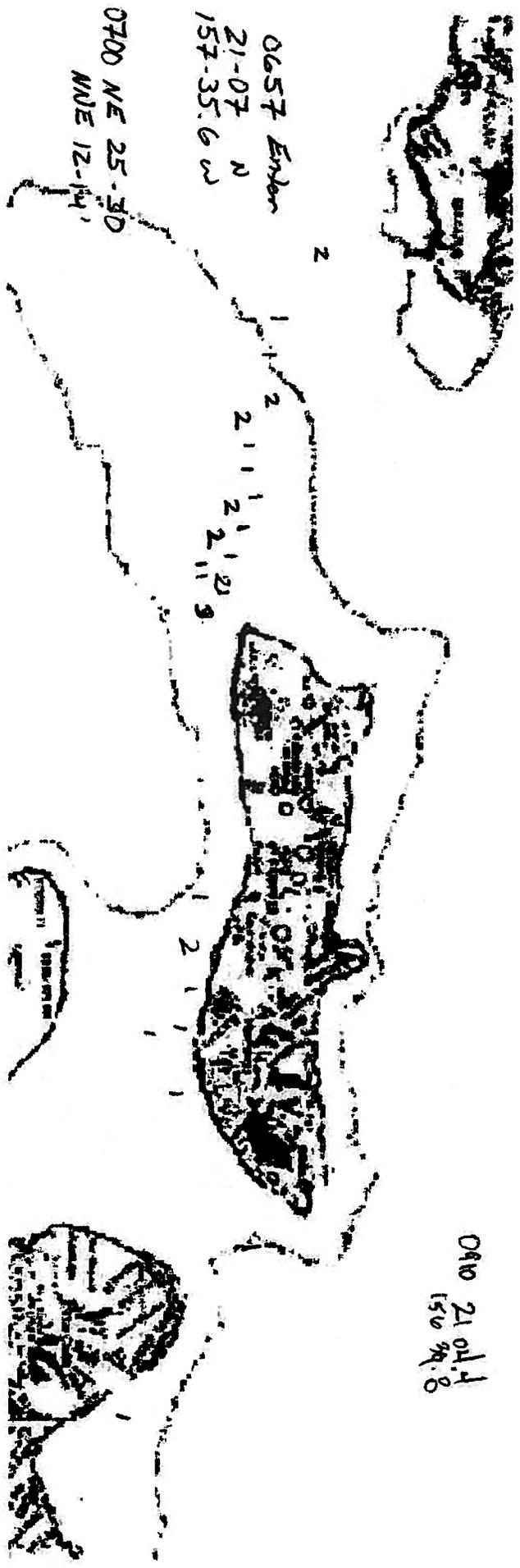
R2+2

Whale Sighting Position Log

Date: 4/14/08

Crossing: HNL to KAH

Total Sightings: 34



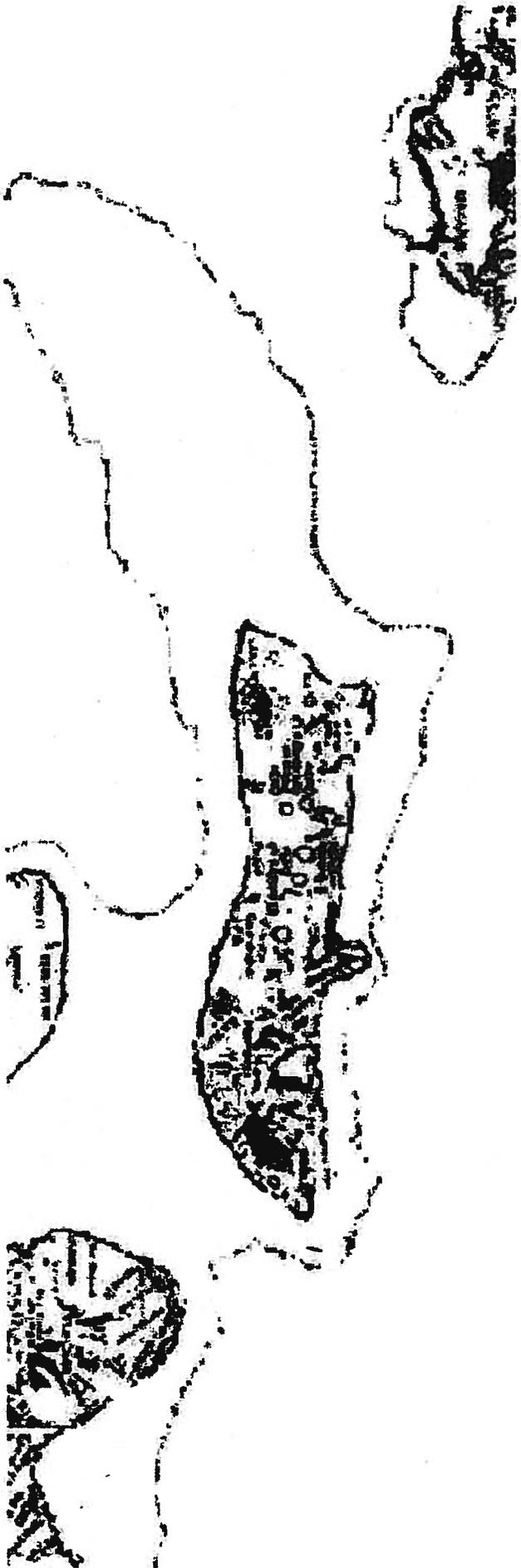
Marine Operations

Whale Sighting Position Log

Date: 4/14/08

Crossing: KAH to HNL

Total Sightings: 1



Marine Operations

Whale Sighting Position Log

Date: 4/15/08

Crossing: HNL to KAA

Total Sightings: 32

(RT2)



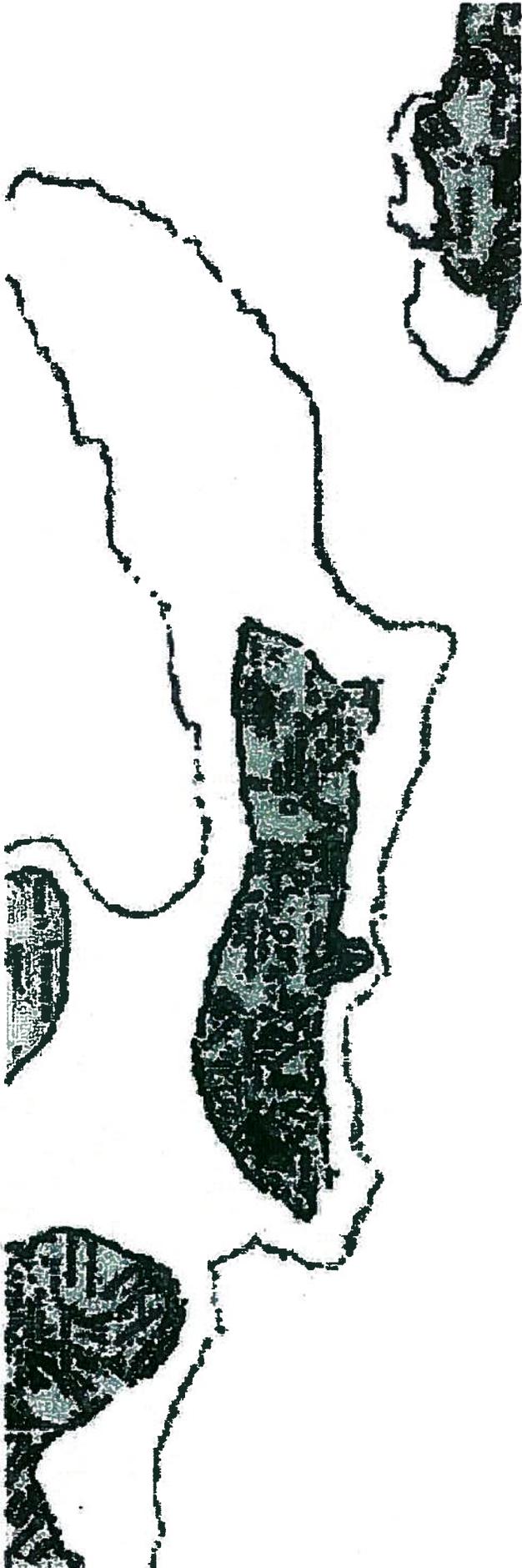
Marine Operations

Whale Sighting Position Log

Date: 4/15/08

Crossing: KAAWHILE

Total Sightings: 0



Marine Operations

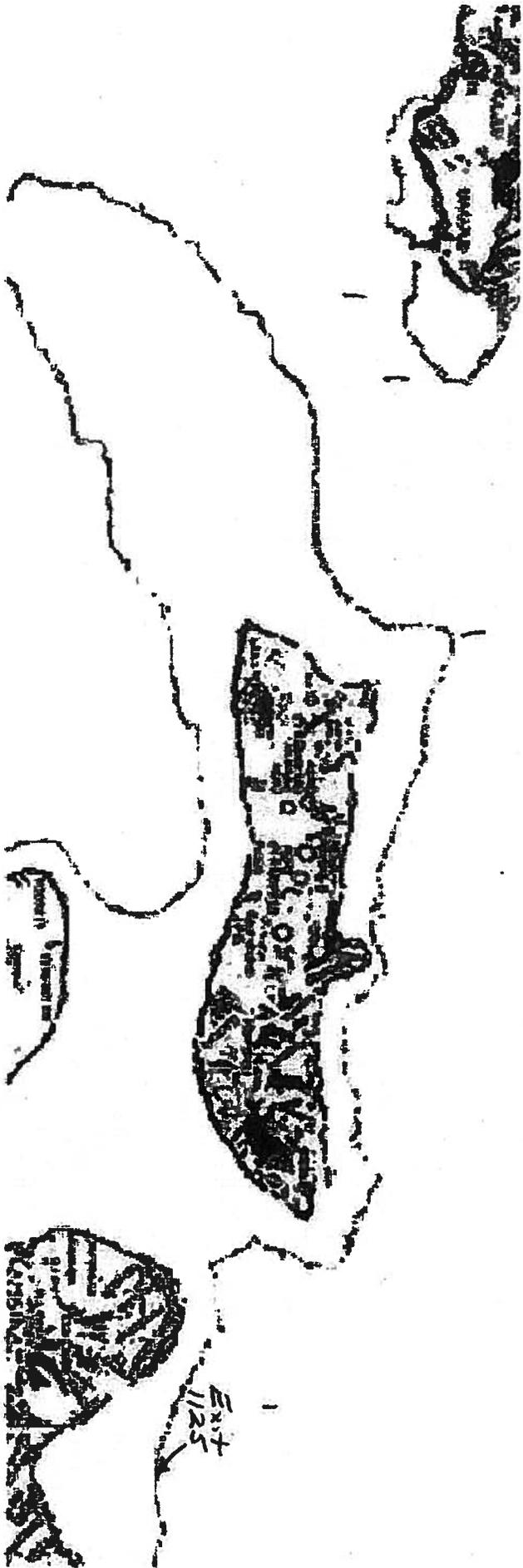
R+3

Whale Sighting Position Log

Date: 4/16/08

Crossing: KAH to HNL

Total Sightings: 4



Marine Operations

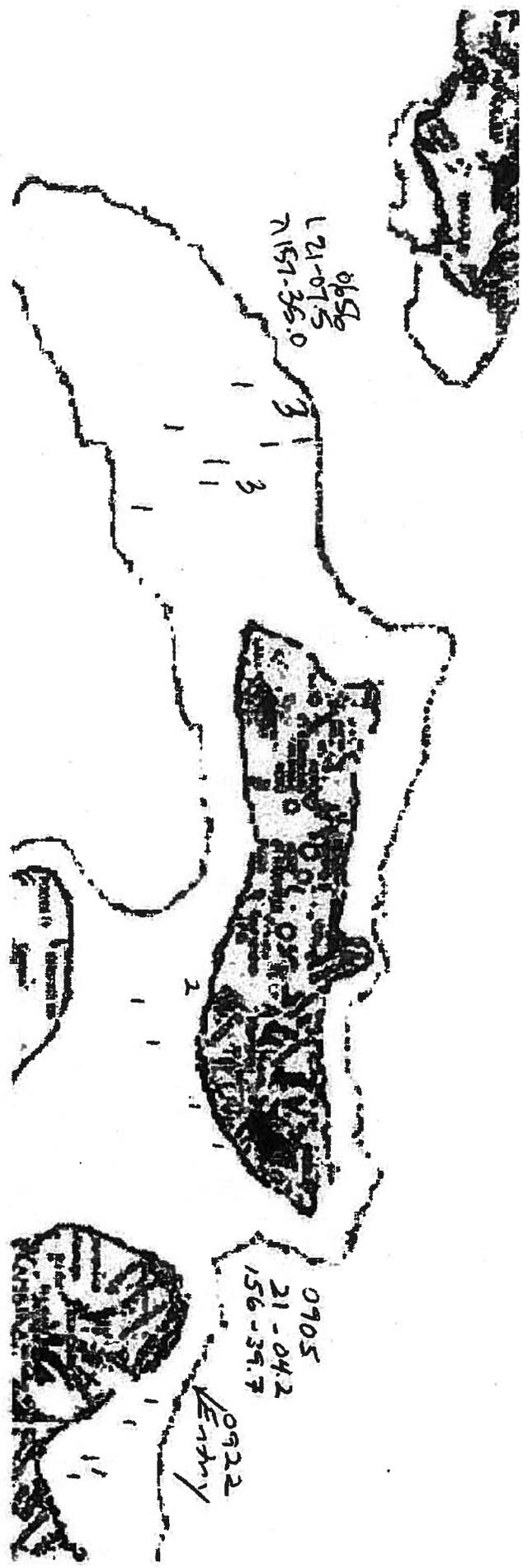
R+2

Whale Sighting Position Log

Date: 4/16/08

Crossing: HNL to KAH

Total Sightings: 24



2x 0700 ESE 15-20  
NE 8-10'

Marine Operations

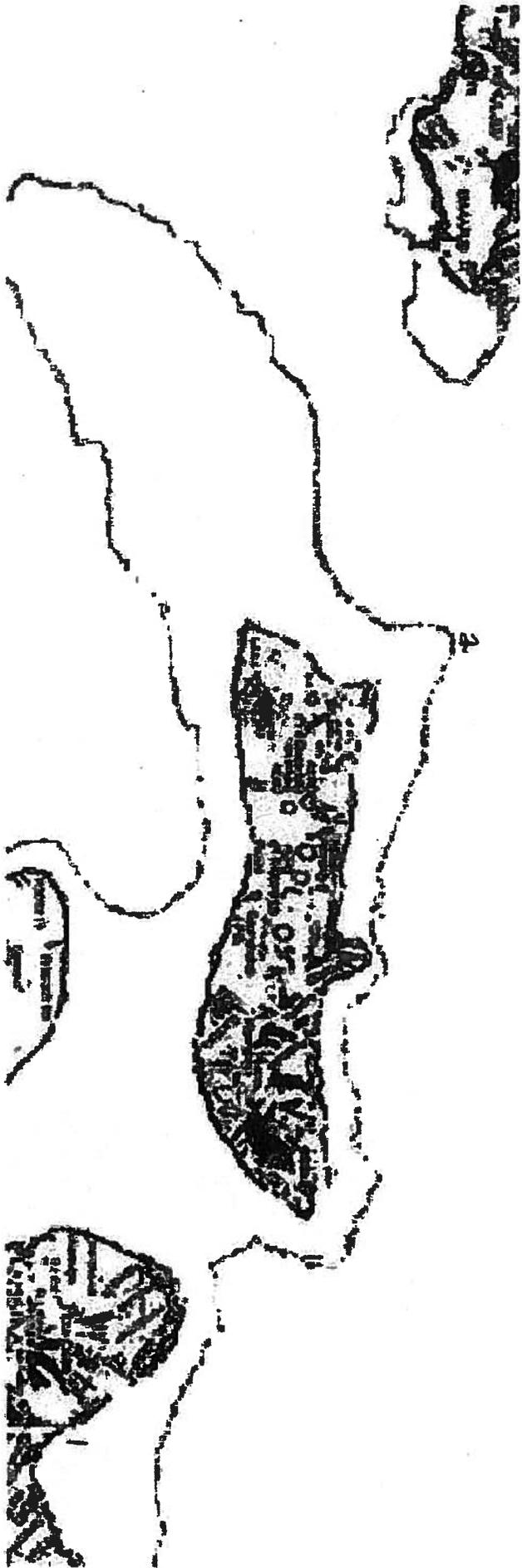
RT3

Whale Sighting Position Log

Date: 4/17/08

Crossing: HNL to KAH

Total Sightings: 4



Marine Operations

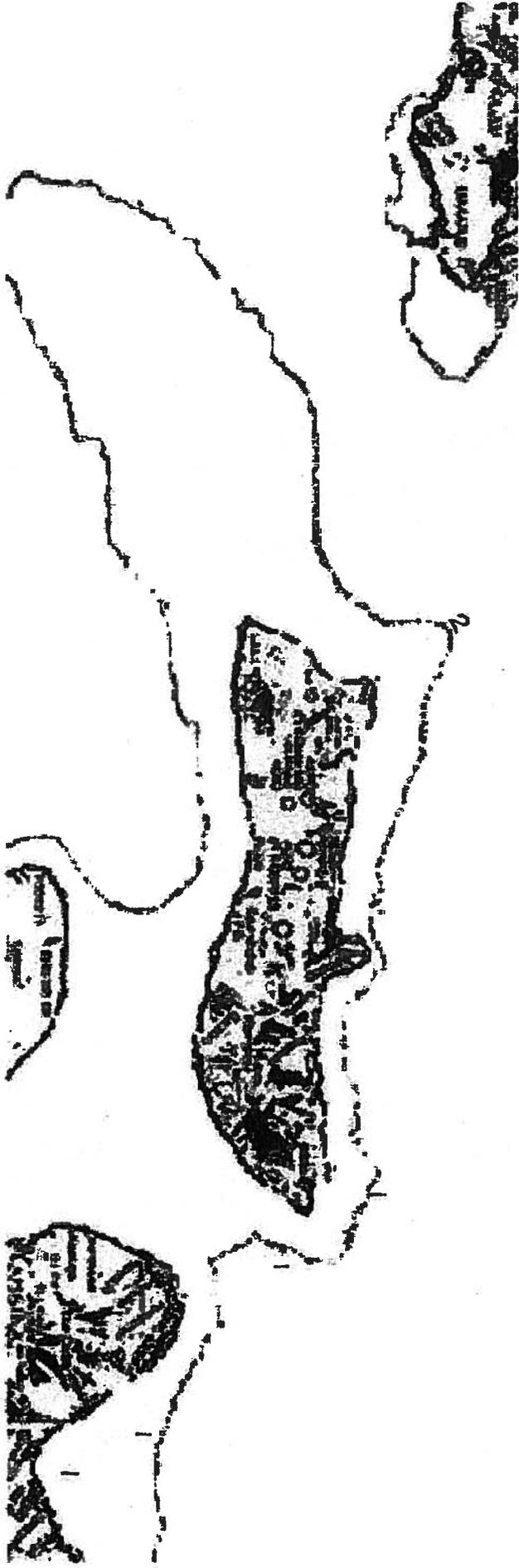
RT3

Whale Sighting Position Log

Date: 4/17/08

Crossing: KMH to KNL

Total Sightings: 6



Marine Operations

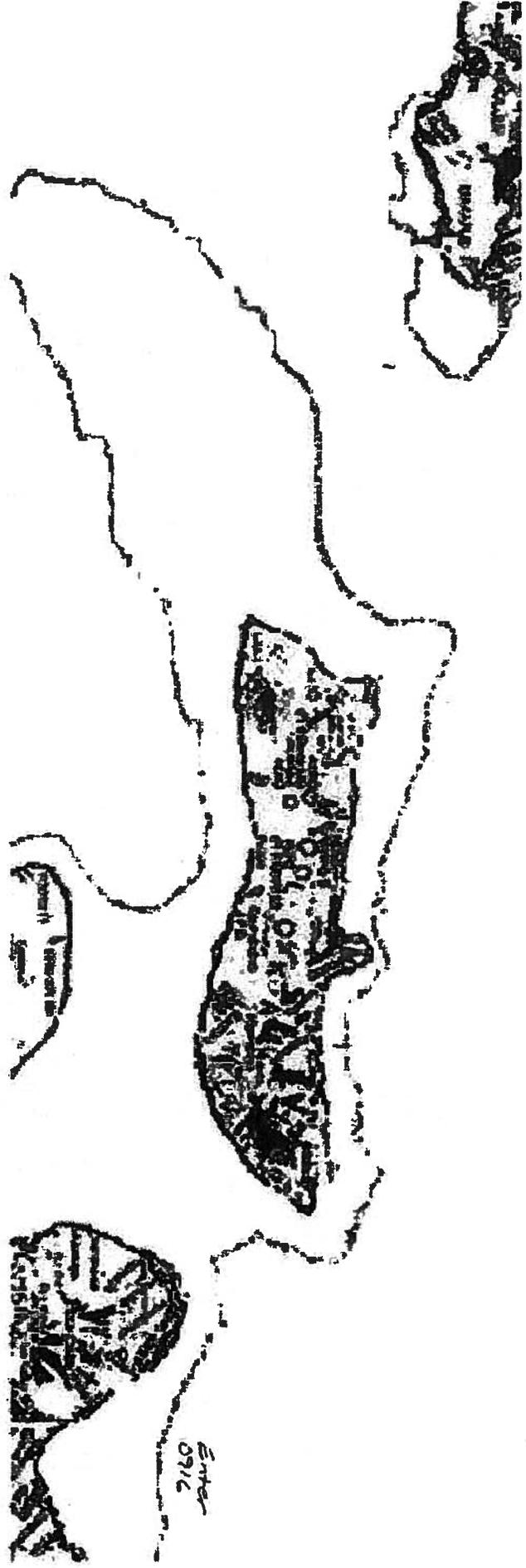
R+3

Whale Sighting Position Log

Date: 4/18/08

Crossing: HNL to KAH

Total Sightings: 2



Marine Operations

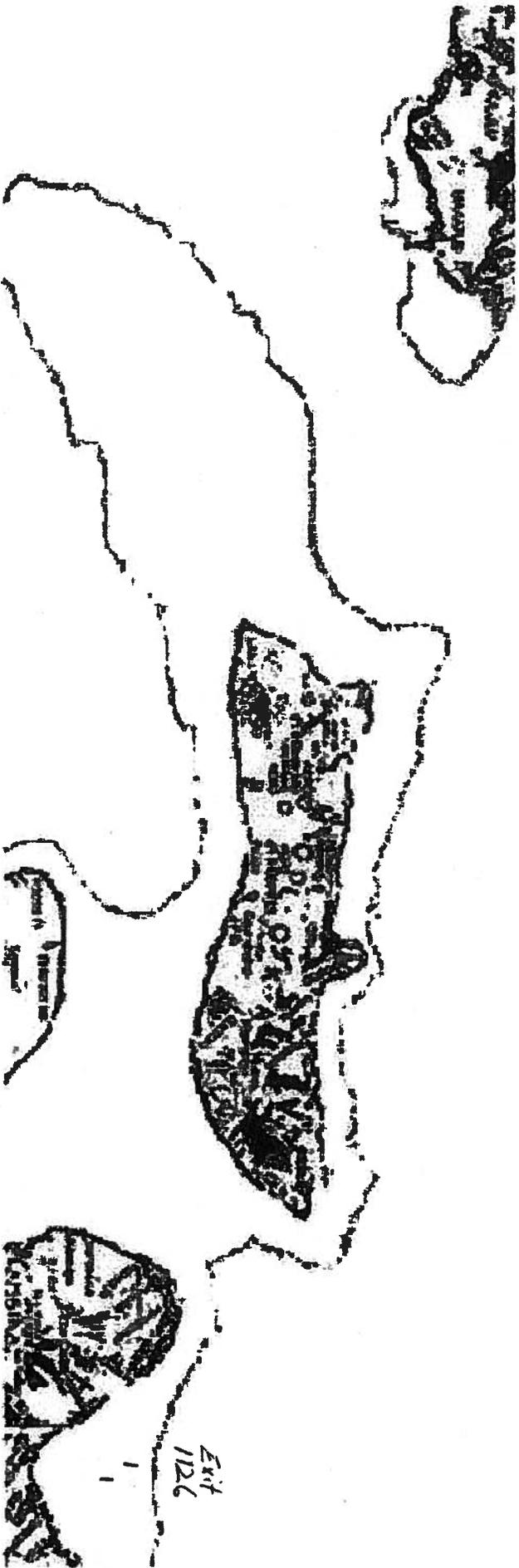
R+3

Whale Sighting Position Log

Date: 4/18/08

Crossing: KAH to HVL

Total Sightings: 4



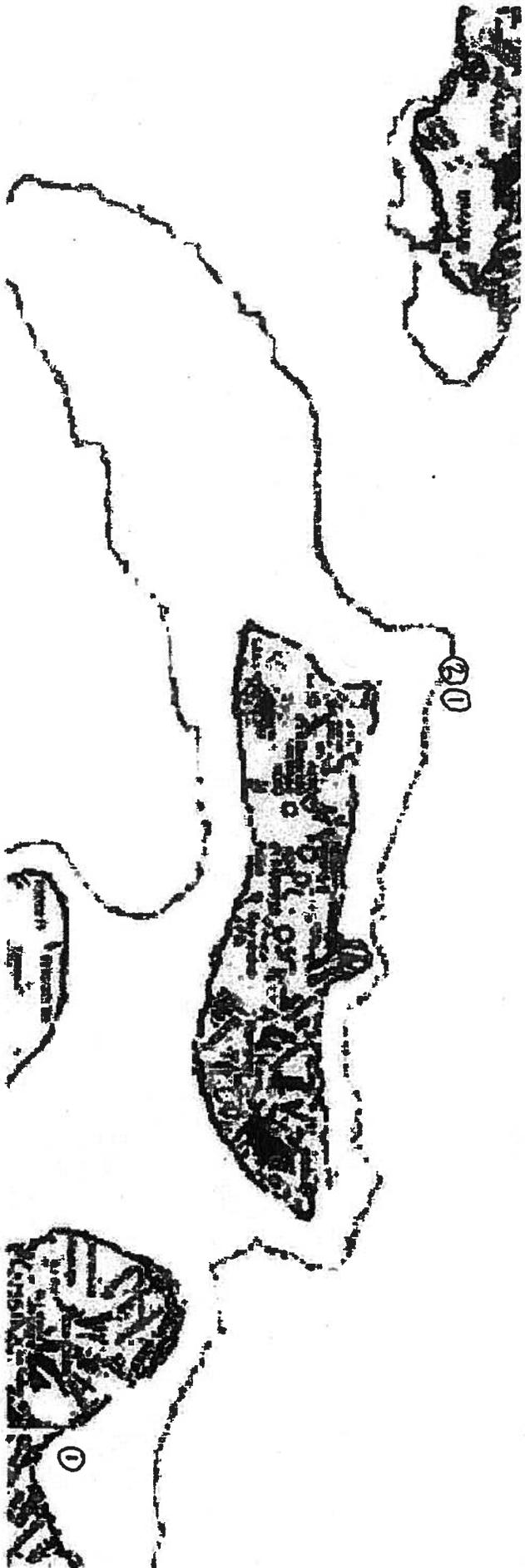
Marine Operations

Whale Sighting Position Log

Date: 4, 19, 08

Crossing: KNL to KAH

Total Sightings: 4







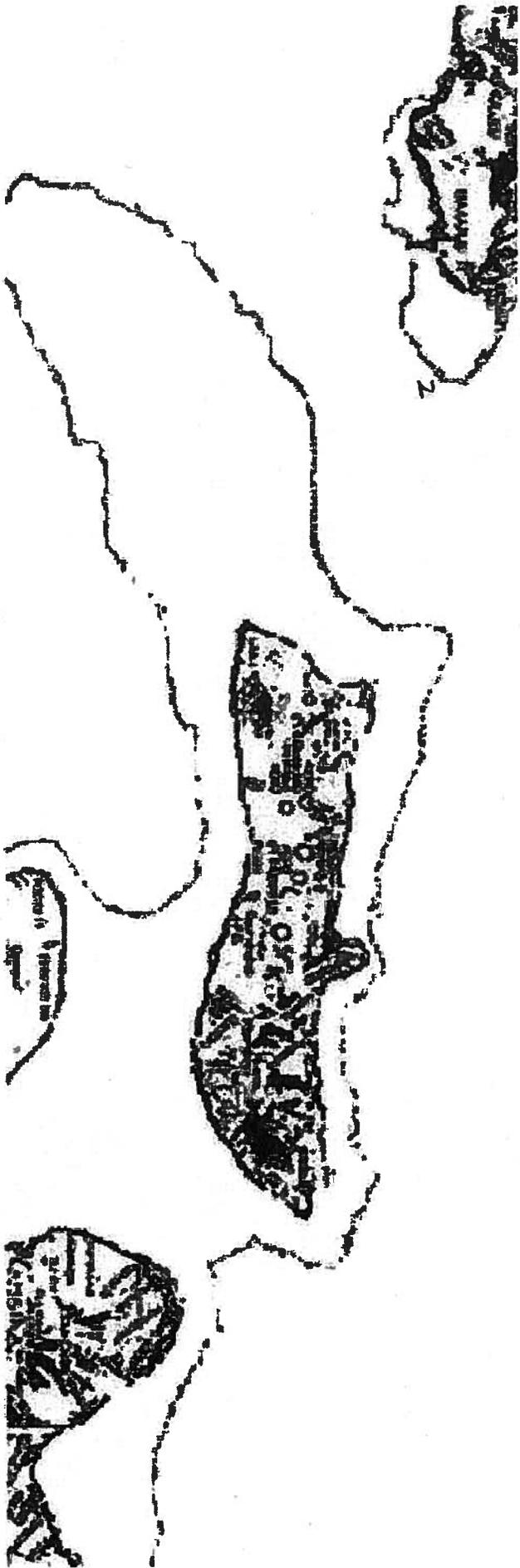
Marine Operations

Whale Sighting Position Log

Date: 4 / 20 / 08

Crossing: KAH to HON

Total Sightings: 2



Marine Operations

Whale Sighting Position Log

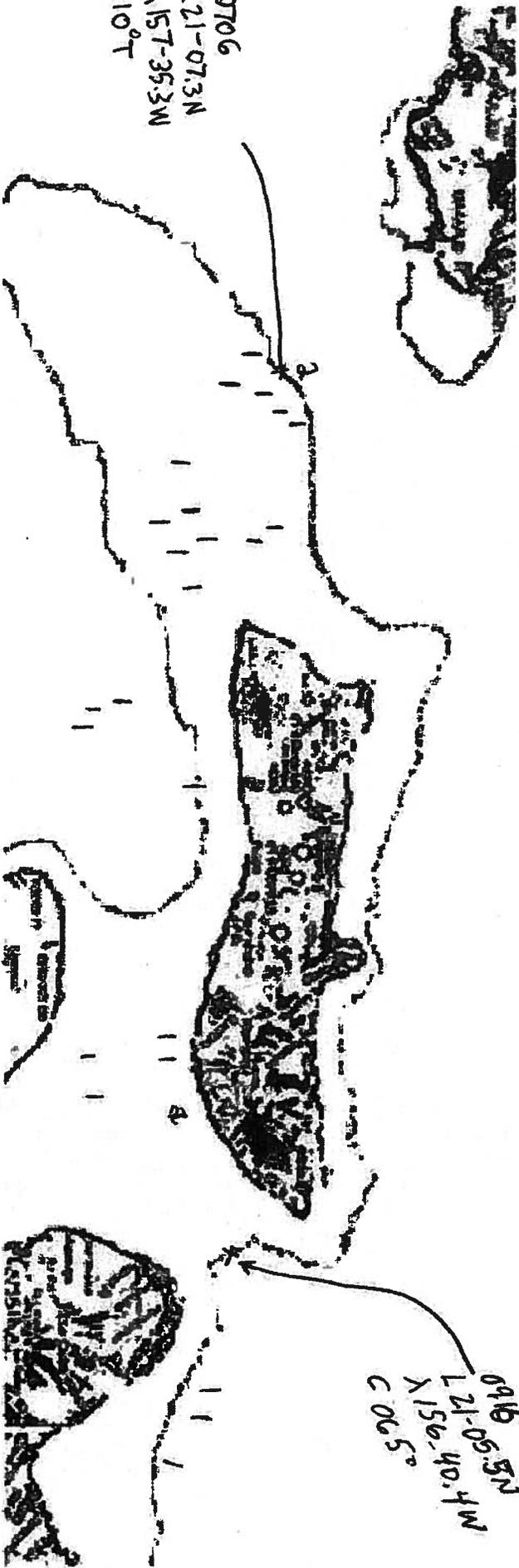
RT 2

Date: 4/21/08

Crossing: HNL to KAH

Total Sightings: 28

3706  
21-07.3N  
157-35.3W  
110°T



HMS-Hawaii/whta

0942 Endeavour W.S. LAH

4/5/2008 11:34:03 AM

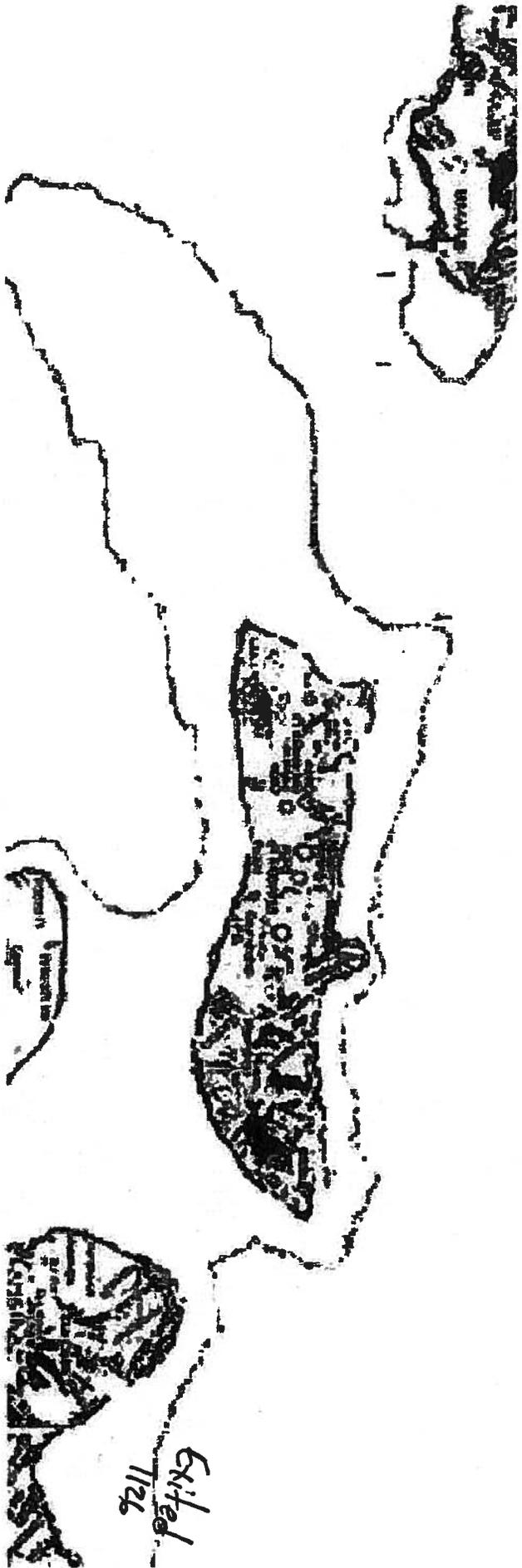
Marine Operations

Whale Sighting Position Log

Date: 4/21/08

Crossing: KAH to Hon

Total Sightings: 3



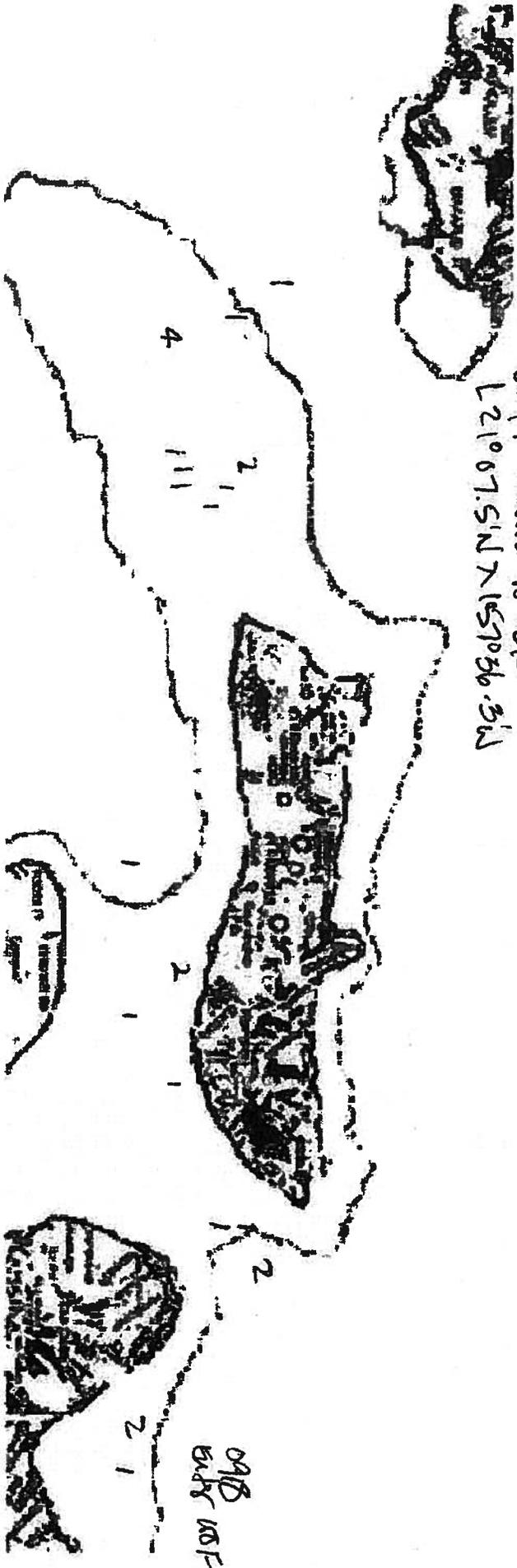
Marine Operations

Whale Sighting Position Log

Date: 4/22/08

Crossing: HNL to KAH

Total Sightings: 25



LJx  
0700 NE 18-22  
NE 2-6'

HMS-Hawaii/wha

0758  
21-00.4 N  
157-06.8 W

4/5/2008 11:34:03 AM

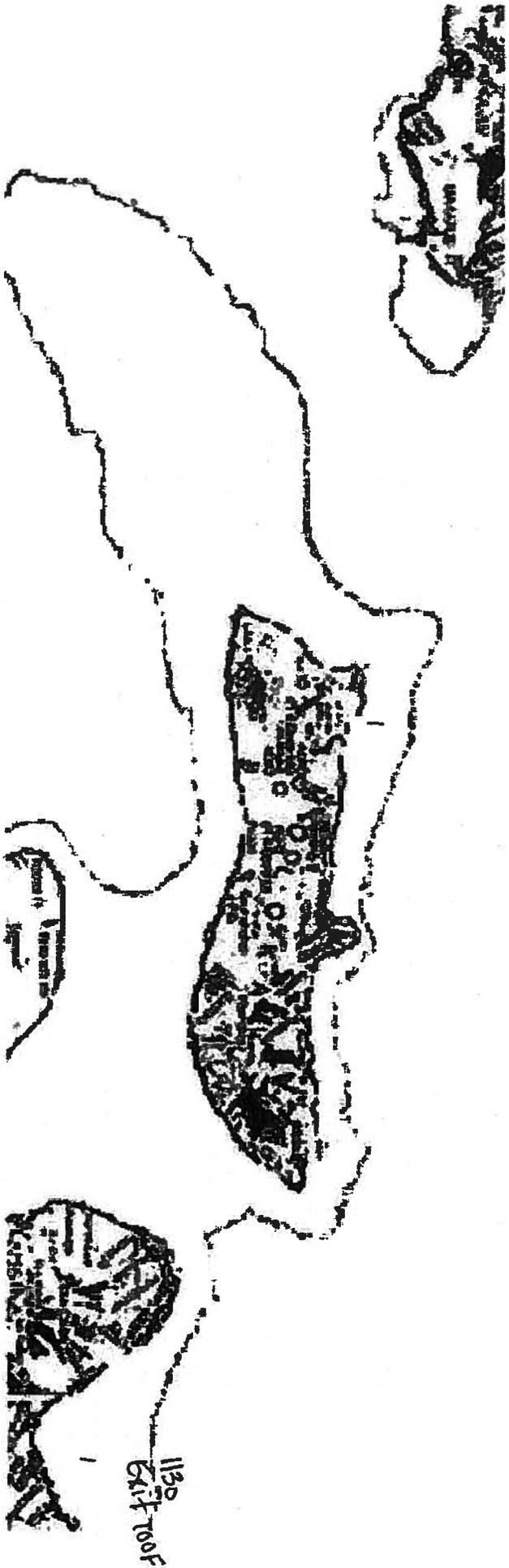
Marine Operations

Whale Sighting Position Log

Date: 4/22/08

Crossing: KAH to HON

Total Sightings: 3



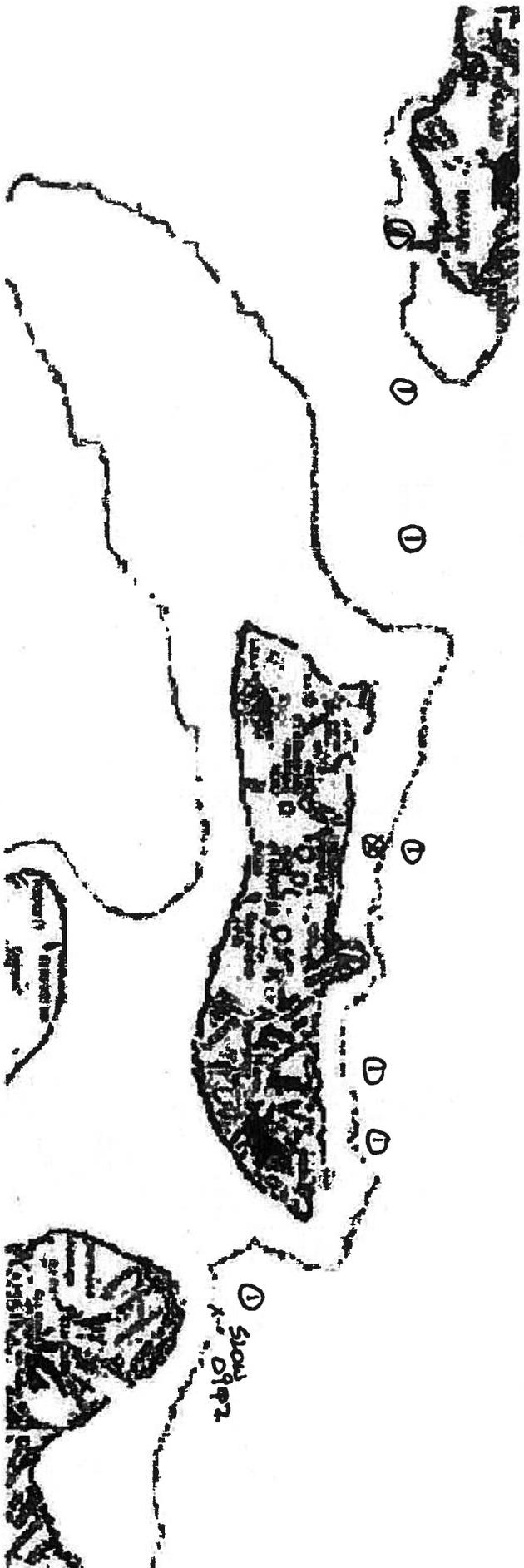
Marine Operations

Whale Sighting Position Log

Date: 4 / 23 / 08

Crossing: HLL to KAT

Total Sightings: 7



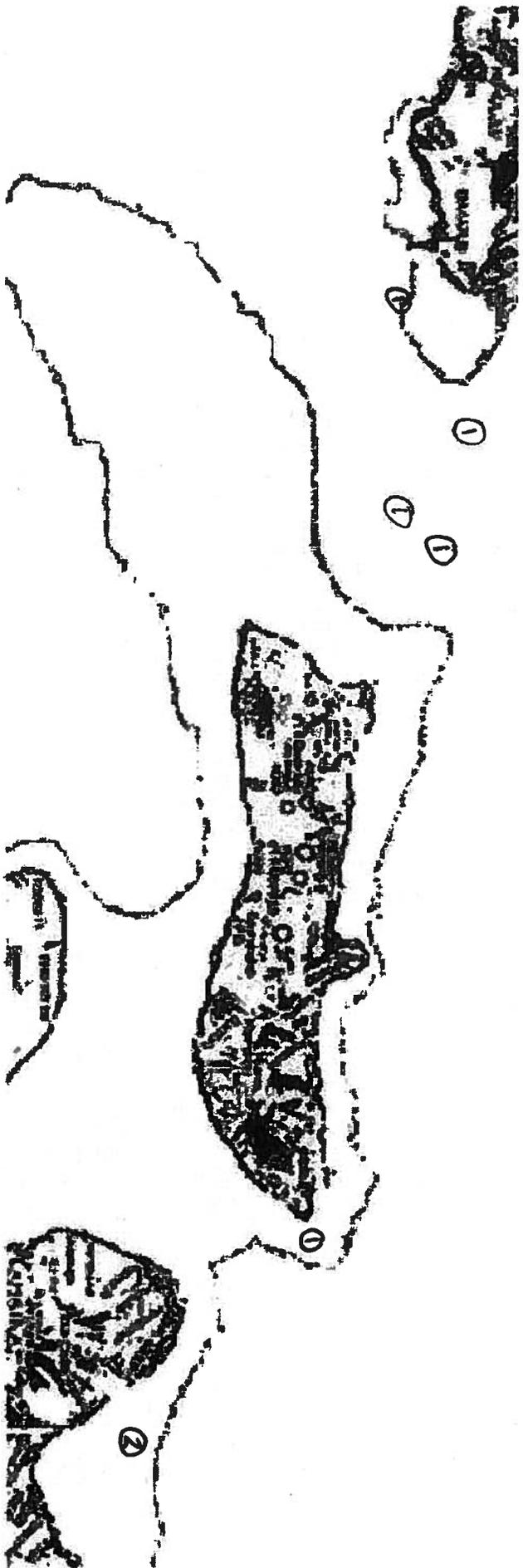
Marine Operations

Whale Sighting Position Log

Date: 4 / 23 / 08

Crossing: KAH to HNL

Total Sightings: 7



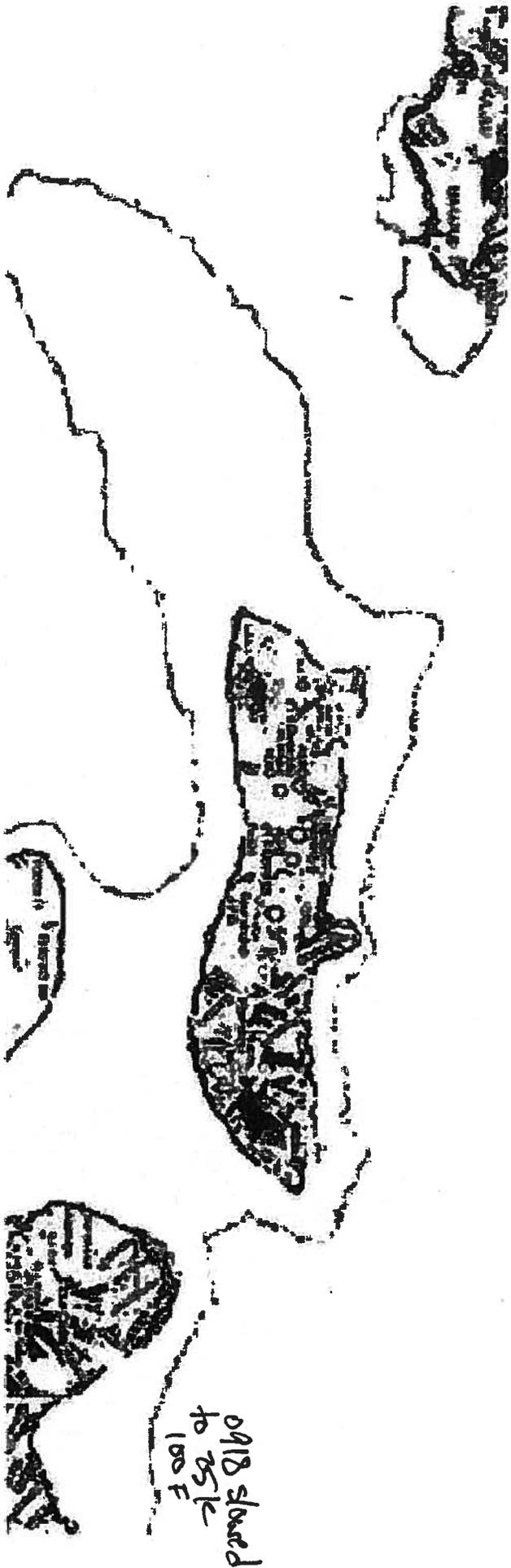
Marine Operations

Whale Sighting Position Log

Date: 4/24/08

Crossing: HNL to KAH

Total Sightings: 1



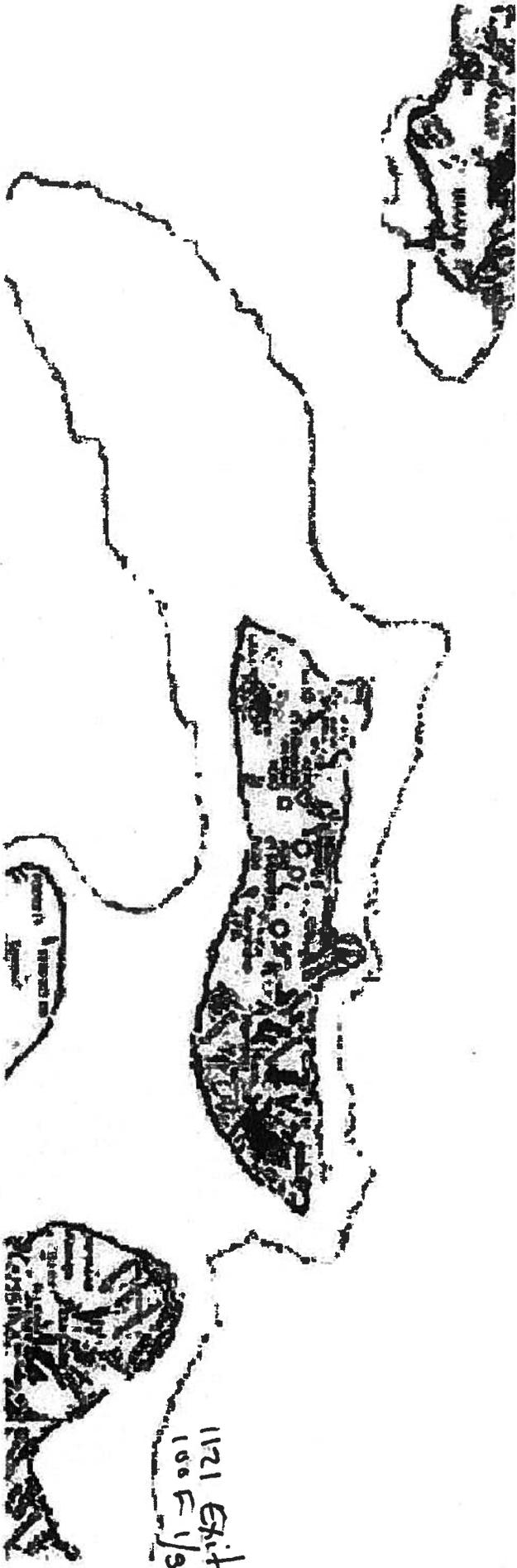
Marine Operations

Whale Sighting Position Log

Date: 4/24/08

Crossing: KAT to Hon

Total Sightings: 1



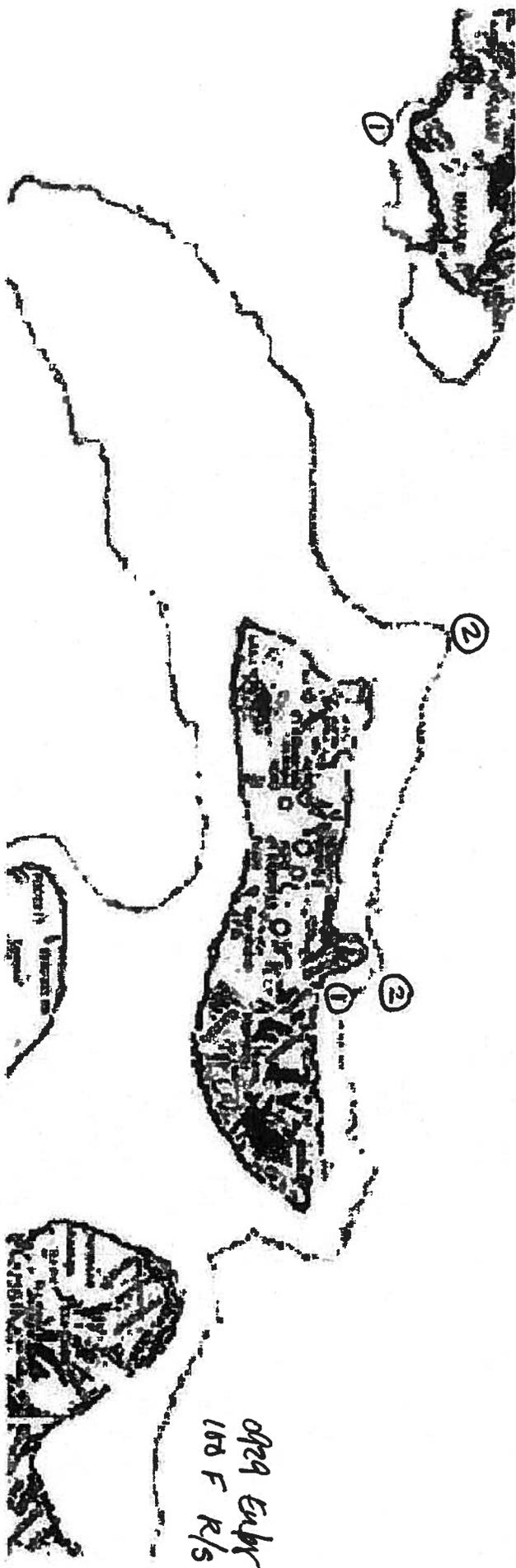
Marine Operations

Whale Sighting Position Log

Date: 4 / 25 / 08

Crossing: HNL to KAH

Total Sightings: 6



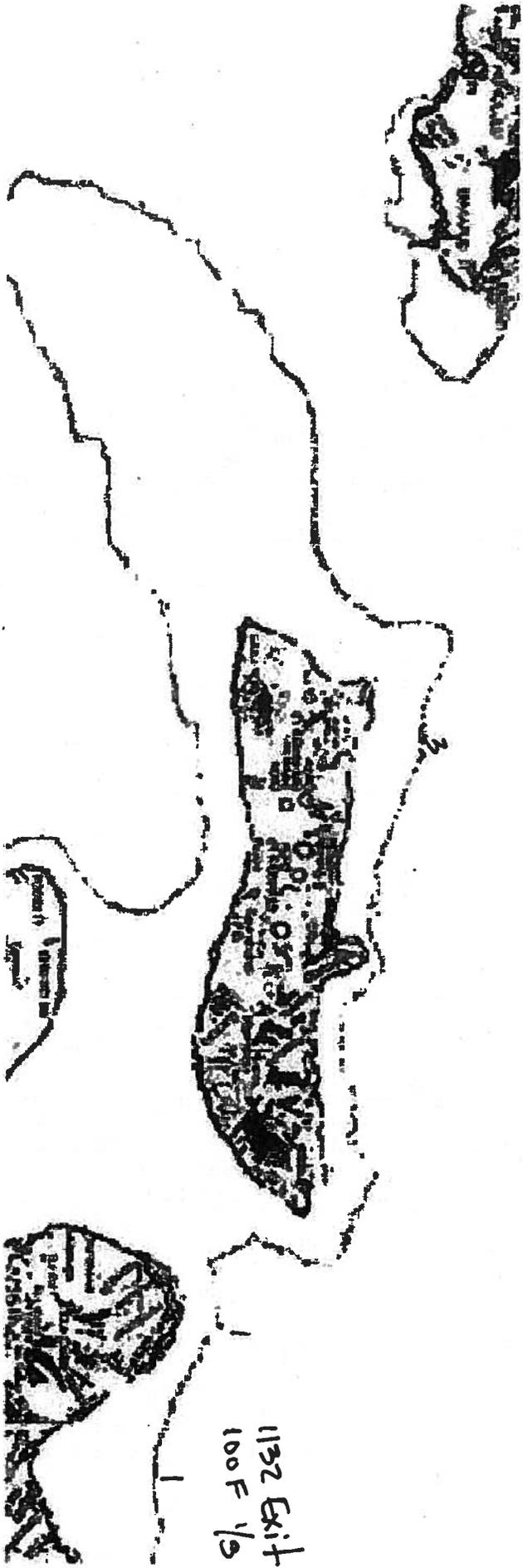
Marine Operations

Whale Sighting Position Log

Date: 4/25/08

Crossing: KAH to Hon

Total Sightings: 5



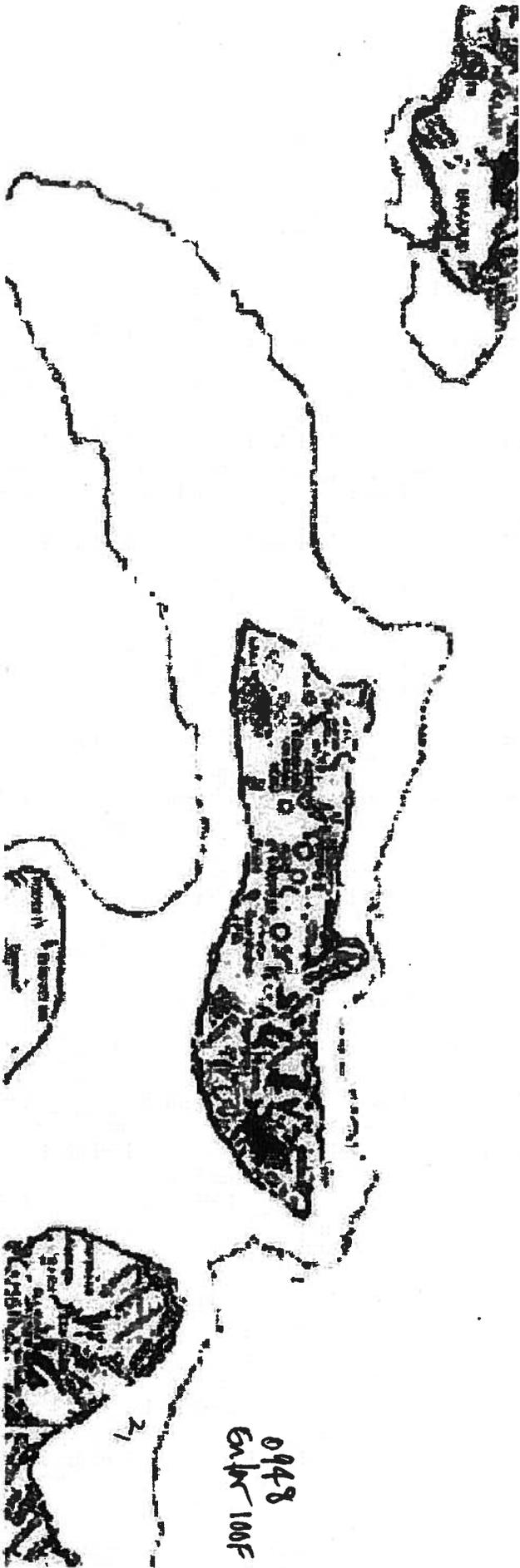
Marine Operations

Whale Sighting Position Log

Date: 4 / 26 / 08

Crossing: Hon to Kau

Total Sightings: 4



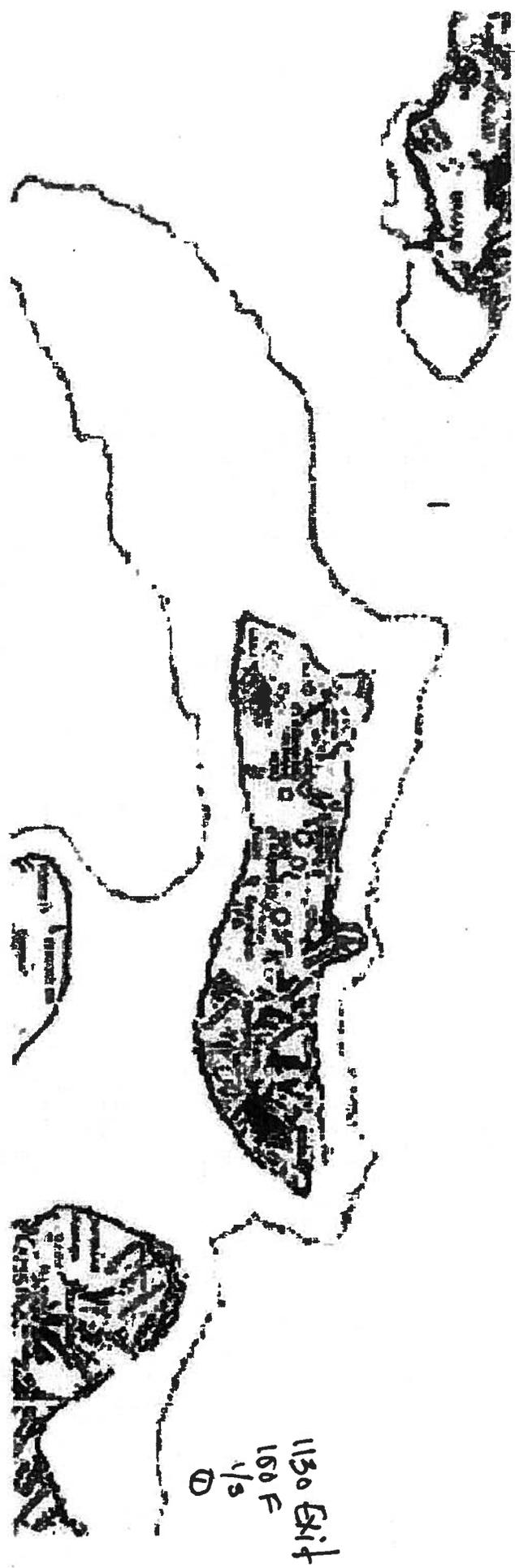
Marine Operations

Whale Sighting Position Log

Date: 4/26/08

Crossing: KAH to HNL

Total Sightings: 2



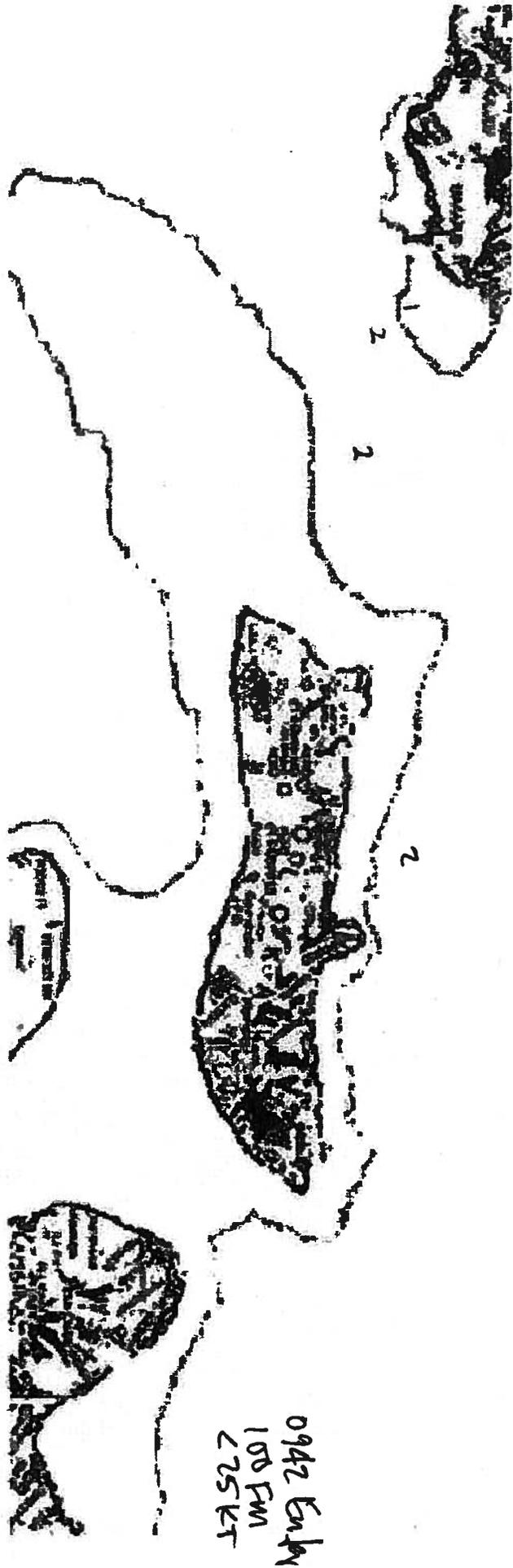
Marine Operations

Whale Sighting Position Log

Date: 4 / 27 / 08

Crossing: HNL to KAH

Total Sightings: 7



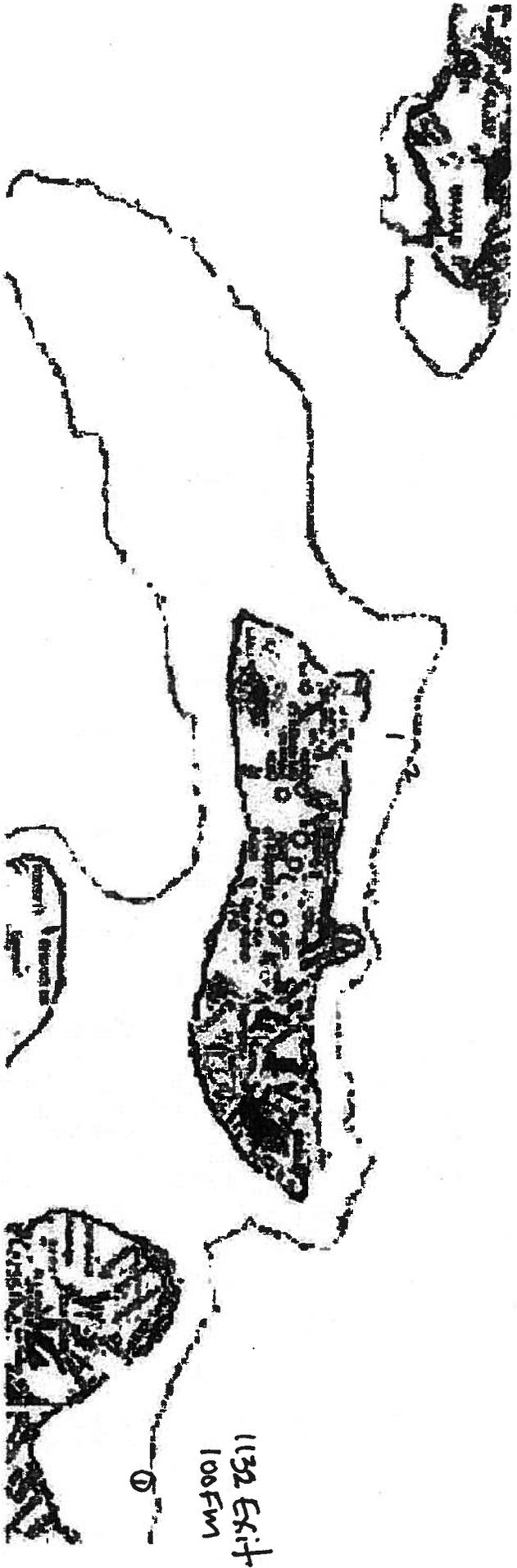
Marine Operations

Whale Sighting Position Log

Date: 4/27/08

Crossing: KAH to Hon

Total Sightings: 4



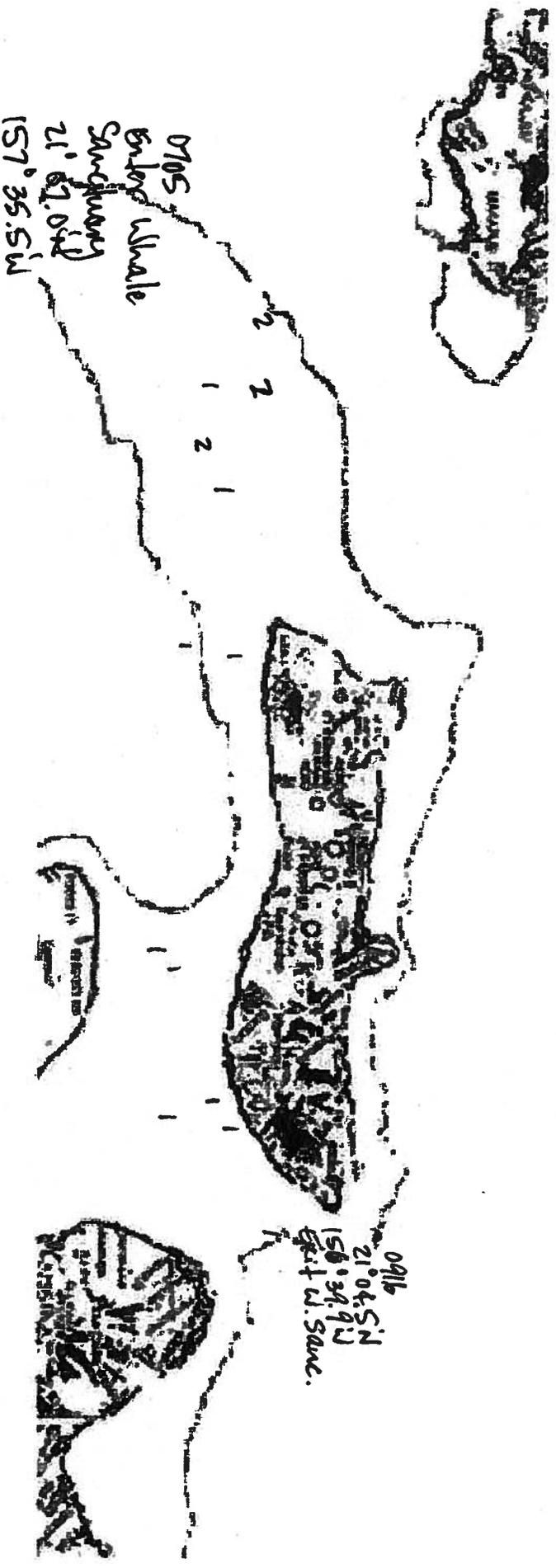
Marine Operations

Whale Sighting Position Log

Date: 4 / 28 / 08

Crossing: Hon to KAH

Total Sightings: 16



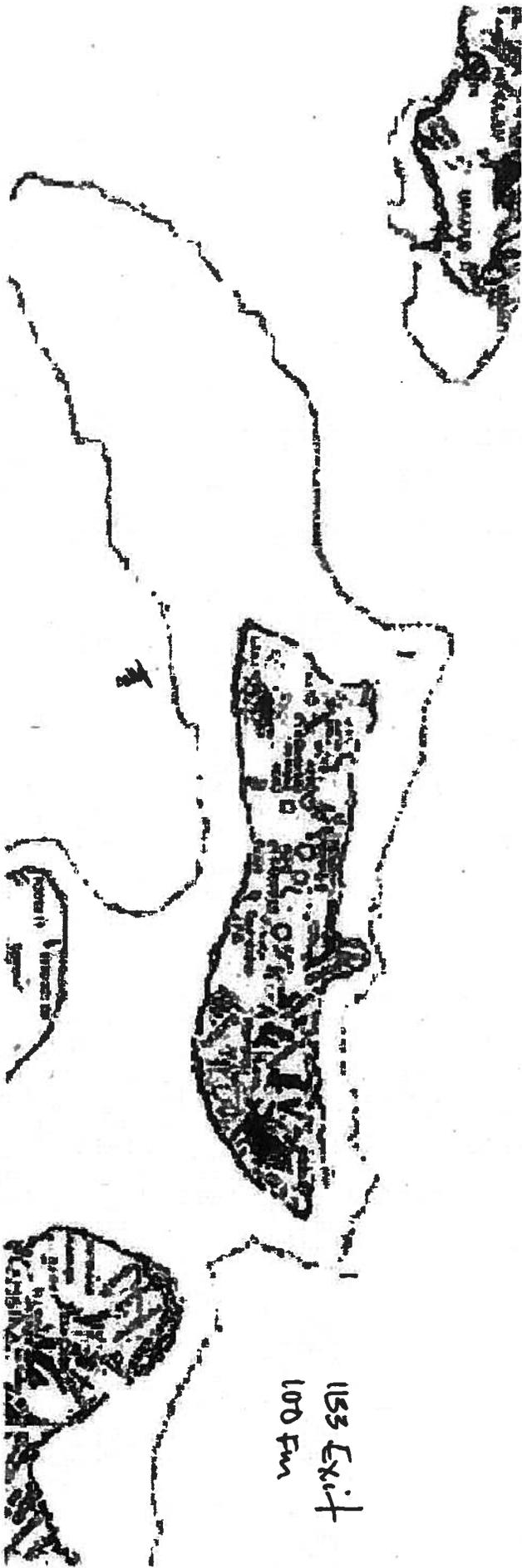
Marine Operations

Whale Sighting Position Log

Date: 4 / 28 / 08

Crossing: LAH to HON

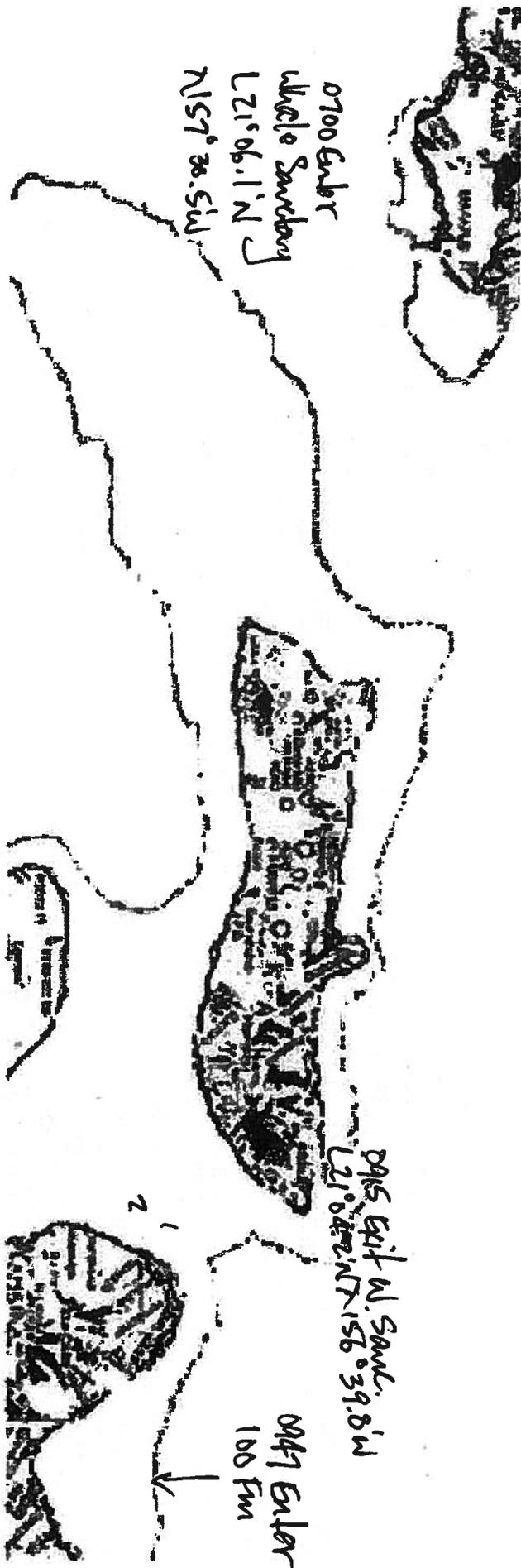
Total Sightings: 2



Date: 4 / 29 / 08

Crossing: FDW to KAH

Total Sightings: 3



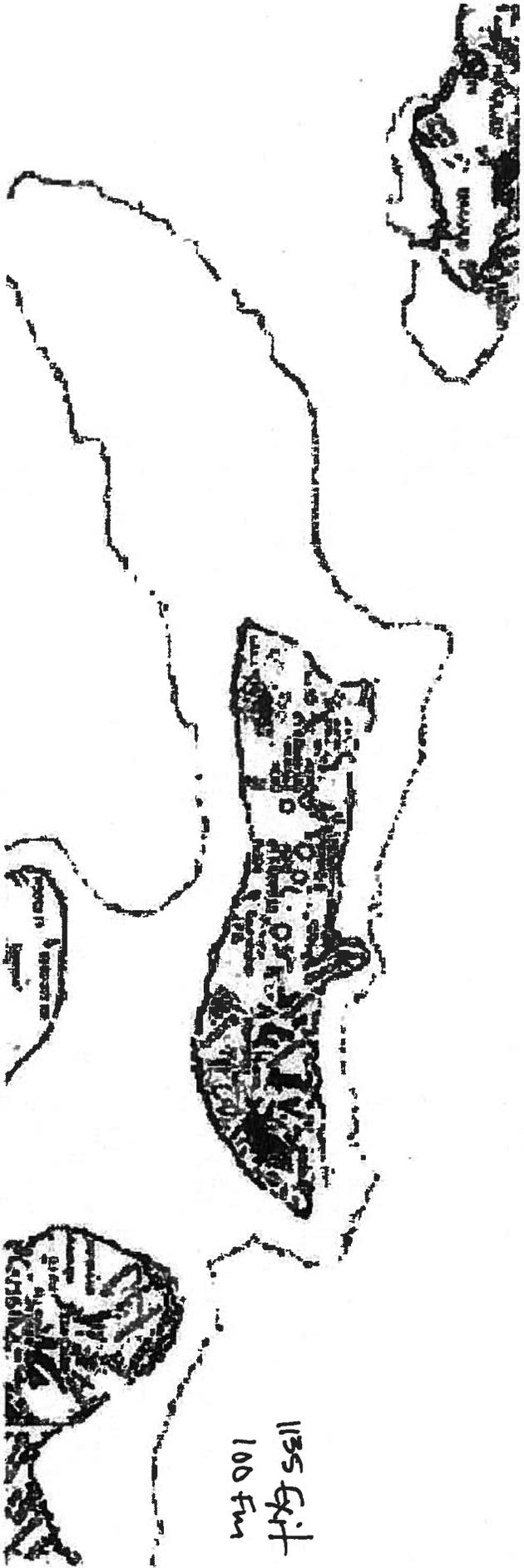
Marine Operations

Whale Sighting Position Log

Date: 4/29/08

Crossing: VAH to HAW

Total Sightings: 2



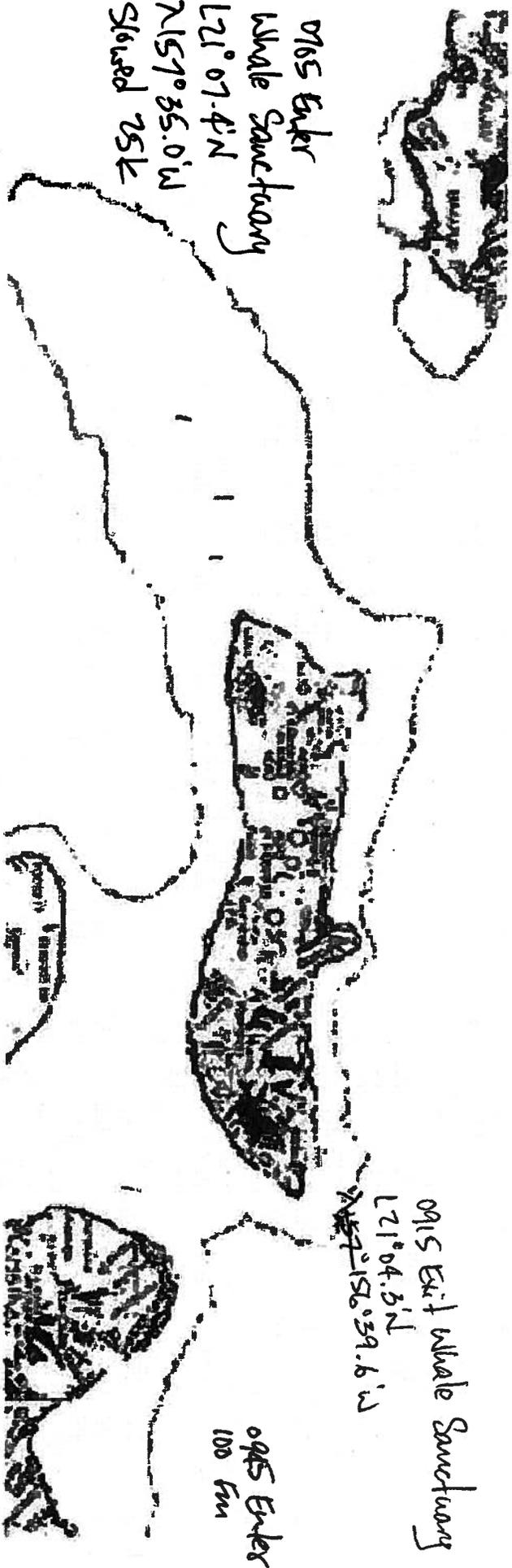
Marine Operations

Whale Sighting Position Log

Date: 4/30/08

Crossing: Howl to KAH

Total Sightings: 4



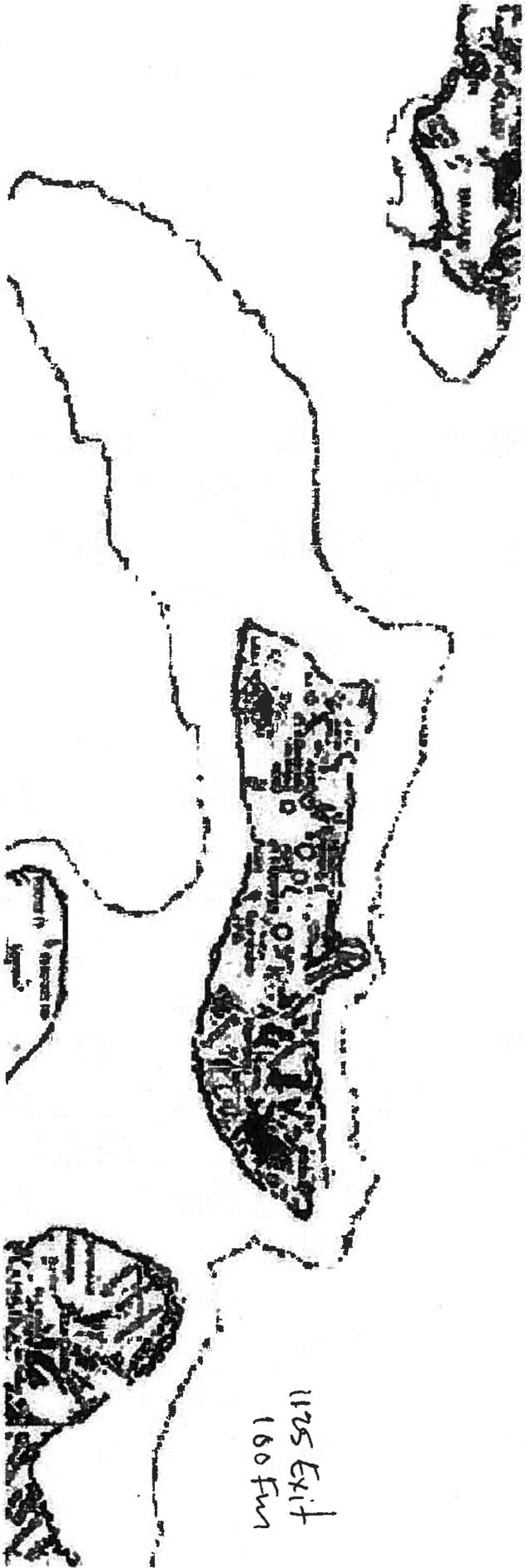
Marine Operations

Whale Sighting Position Log

Date: 04/30/08

Crossing: LEAH to Honolulu

Total Sightings: 0



# Marine Operations

# Whale Avoidance Log

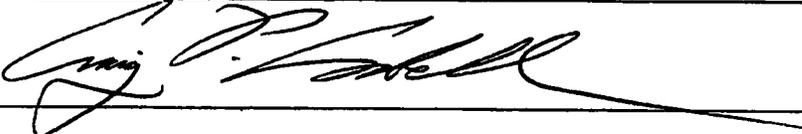
Date:	4/11/08
Vessel:	Alakai
Master:	Campbell

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	N/A					
Speed	N/A					
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted				Yes		
Time	0905	Location	21-02.1N	156-29.2W	Course	130
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						
Whale was spotted 300 yards away fine on the port bow. The vessel turned hard to starboard to avoid the whale. The whale passed clear of the vessel 50 yards down the port side. The vessel was not in the sanctuary or within the 100 fathom curve and was travelling at 31.5 kts.						

Collision						
Director of Marine Operations Contacted				N/A		
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
	

**Marine Operations**

**Whale Avoidance Log**

<b>Date:</b>	4/12/08
<b>Vessel:</b>	Alakai
<b>Master:</b>	Curtis

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort and vessel safety					
Speed	under 25 knots					
Time	0654	Location	21-07.4N	157-35.9W	Course	134
Time	0906	Location	21-04.2N	156-39.5W	Course	045
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: Minor course adjustments to avoid approach.						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			No			
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
 Allen J. CURTIS JR.	

NOTE: VESSEL STAYED LESS THAN 25 KTS DURING THE ENTIRE TRANSIT SOUTH OF MOLOKAI.

# Marine Operations

# Whale Avoidance Log

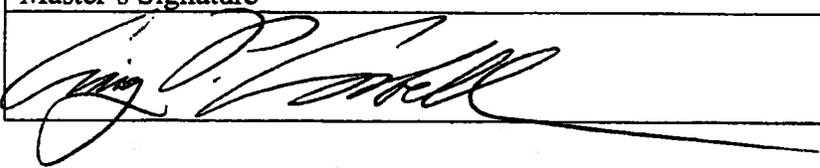
Date:	4/13/08
Vessel:	Alakai
Master:	Campbell

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	under 25 knots					
Time	0703	Location	21-05.2N	157-04.9W	Course	107
Time	0913	Location	21-09.6N	156-34.5W	Course	080
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			No			
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
	

# Marine Operations

# Whale Avoidance Log

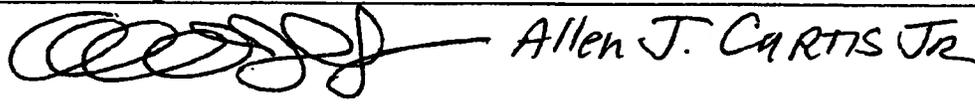
<b>Date:</b>	4/14/08
<b>Vessel:</b>	Alakai
<b>Master:</b>	Curtis

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	under 25 knots					
Time	0657	Location	21-07.0N	157-35.6W	Course	110.0
Time	0910	Location	21-04.4N	156-39.8W	Course	080.0
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted				No		
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted				N/A		
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
	

# Marine Operations

# Whale Avoidance Log

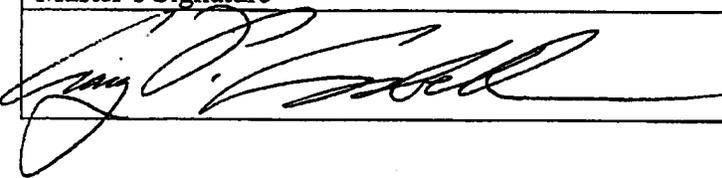
Date:	4/15/08
Vessel:	Alakai
Master:	Campbell

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort and vessel safety					
Speed	under 25 knots					
Time	0707	Location	21-12 N	157-28 W	Course	110 PGC
Time	0913	Location	21-04 N	156-39 W	Course	Var
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			No			
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification						
Master's Signature						
						

**Marine Operations**

**Whale Avoidance Log**

Date:	4/16/2008
Vessel:	Alakai
Master:	Curtis

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	under 25 knots					
Time	0656	Location	21-07.5N	157-35.0W	Course	120.0
Time	0905	Location	21-04.2N	156-39.7W	Course	080.0
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			Yes			
Time	0935	Location	20-56N	156-28W	Course	178.0
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						
<p>While inside the 100 fathom curve approaching Kahului Harbor, a whale was spotted by the starboard side lookout passing close on the starboard bow. Vessel was already in hand steering and turn hard to port while reducing speed. The whale passed close down the starboard side while moving away from the vessel with a distance of 5-10 yards. The whale was observed by crew members and actually breached soon after the approach.</p>						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
 Allen J. CURTIS JR.	

# Marine Operations

# Whale Avoidance Log

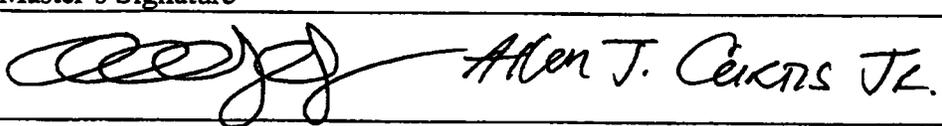
Date:	4/20/08
Vessel:	Alakai
Master:	Curtis

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	under 25 knots					
Time	0702	Location	21-07.2N	157-35.4W	Course	110
Time	0911	Location	21-04.5N	156-39.8W	Course	080
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			No			
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
	

**Marine Operations**

**Whale Avoidance Log**

<b>Date:</b>	4/21/08
<b>Vessel:</b>	Alakai
<b>Master:</b>	Campbell

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	under 25 knots					
Time	0706	Location	21-07.3N	157-35.3W	Course	110
Time	0916	Location	21-05.5N	156-40.4W	Course	080
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			No			
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
	

# Marine Operations

# Whale Avoidance Log

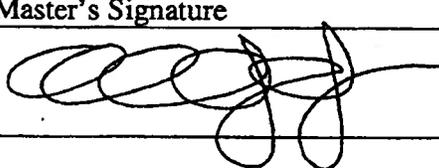
Date:	4/22/08
Vessel:	Alakai
Master:	Curtis

- Sanctuary Transit
- Approach
- Collision

Sanctuary Transit						
Interest	Passenger safety and comfort					
Speed	N/A					
Time	0649	Location	21-07.5N	157-36.3W	Course	110.0
Time	0900	Location	21-04.4N	156-39.9W	Course	080.0
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action: N/A						

Approach (less than 100 meters)						
Director of Marine Operations Contacted			Yes			
Time	0758	Location	21-00.4N	157-06.8W	Course	090.0
Time	0900	Location	21-04.5N	156-39.6W	Course	080.0
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Time		Location			Course	
Evasive Action/Detail						
The vessel maneuvered for two whales noted above. Both whales were spotted by the starboard lookout and the vessel maneuvered with steering and speed reduction for both. The first whale passed about 50 feet and the second whale passed 25 feet. Both passed down the starboard side and clear of the vessel.						

Collision						
Director of Marine Operations Contacted			N/A			
Time		Location			Course	
Detail/Damage or Injury to Whale						

Certification	
Master's Signature	
 Allen J. Cuans Jr.	

May 9, 2008

TO : Randy Awo, Branch Chief, DLNR, Docare, Maui  
FROM : Stanley Okamoto, Supervisor, Molokai  
SUBJECT : Super Ferry Stats

Maui DOCARE Officers resumed Super Ferry monitoring on 4-11-08.  
Stats obtained are current up to 5-08-08.

Total Days of Monitoring: 28 Days  
Monitoring consisted of two Officers at check in point.

Vehicles Embarking: 817 vehicles

Violations of Governor's Executive Order 07-10:

Vehicles:

Vehicles rejected: 11 for excessive dirt.  
Vehicles cleared : 9 returned cleaned and approved for boarding.

Vehicles rejected: 8 for excessive seeds.  
Vehicles cleared : 8 returned cleaned and approved for boarding.

Vehicle rejected : 1 problem with registration.

Coolers Inspected and Allowed to board Superferry:

Inspected : 255 Coolers  
Marine Life : 7 Coolers contained marine life.

Type of Marine Life:

1. Cooler with fish fillets - 3 pieces
2. Cooler with 5 pounds wawae'iole.
3. Cooler with 2 pounds wawae'iole
4. Cooler with 10 pounds wawae'iole.
5. Cooler with 3 containers ½ gallon pickled ogo.
6. Cooler with 7 one gallon bags of ogo.
7. Cooler with approximately 50 pounds of octopus.
8. Cooler with 1 Mouflon sheep head.
9. Cooler with 1 goat head.
10. Cooler with 12 pounds of wawae'iole.

Department of Agriculture:

1. 13 Honey Bees removed; 1 still alive.
2. 2 Coconuts removed.
3. 16 plants removed.
4. 2 bunches of bananas passed with DOA inspection.
5. 3 stalks cane passed with DOA inspection.
6. 9 boxes yams passed with DOA inspection.

Animals:

1. 27 Dogs transported to Honolulu
2. 4 Chicks transported to Honolulu
3. 1 Cat transported to Honolulu

Tree Limbs:

1. 1 – 2 inch by  $\frac{3}{4}$  diameter stick; allowed passage on Superferry; item used as a hula instrument.
2. 1 – drift wood rejected and removed from vehicle.
3. 3 – bamboo stalks; rejected and removed from vehicle.
4. 12 – pieces of Kiawe wood; rejected and removed.

\*Items that did not constitute clear violation of Governors Executive Order:

1. Transport of seaweed: Ogo and Wawae'iole.
2. Transport of game mammal carcass i.e. sheep/goat heads/wild pig meat.

Investigative Reports Submitted:

1. MA-08-1262 : Pickled Ogo.
2. MA-08-1228 : Mouflon head; Goat head; wild pig meat.
3. MA-08-1256 : Ogo; Seven 1/2 gallon bags.
4. MA-08-1285 : 2 pounds wawae'iole.
5. MA-08-1330 : 50 pounds of Octopus.

**Submitted by: Stanley Okamoto #208**

May 9, 2008

TO : Inter-Island Ferry Oversight Task Force Committee Members

FROM : Randy Awo, OTF Member

SUBJECT : **FAILURE BY INTER-ISLAND FERRY TO DETECT VESSEL  
IN WATERS THREE MILES SEAWARD OF MAUNALUA BAY,  
ISLAND OF O'AHU**

**SYNOPSIS:**

On May 9, 2008 at approximately 10:10 hours, this writer received a phone call from Sydney Medeiros, owner/operator of the "Ka Nani Kai" a 28 foot radon, registered to the island of Maui. At this time Medeiros informed me that he wanted to express his concern about not being detected by the "Superferry" while operating his vessel approximately 3 miles seaward from the shores of Maunalua Bay on the island of O'ahu.

**WITNESS STATEMENT:**

**Initial Observations:**

On May 4, 2008, Medeiros said his vessel served as an escort for canoes that were racing from Kaluakoi, Moloka'i to the Ala Wai harbor on O'ahu. On the following day, May 5, 2008, at approximately 6:57 a.m., while returning from O'ahu to Maui and operating approximately three miles seaward from the shores of Maunalua bay, he observed the Superferry approaching him from behind, operating at a distance of approximately two miles.

Initially, Medeiros felt that it was a "fair" distance between his vessel and the Superferry and felt at the time that no problem existed. Therefore, he did not feel it necessary to initiate radio contact with the oncoming vessel. However, as the Superferry got "closer and closer," given the speed at which it was traveling, he became concerned.

**Previous Encounter Described:**

Medeiros said that he has seen the Superferry operating in these waters before; always traveling east. On one occasion he called the Superferry using his VHF radio, on Channel 16 to provide his location. Superferry personnel responded by saying "I see you; got you on radar; will pass you in a few minutes". The Superferry then passed starboard of the "Ka Nani Kai", at a distance that was safe and did not generate a wake. As a result of this previous encounter, Medeiros believed that on May 5, 2008, the Superferry had detected his vessel in the water via radar.

**Observations Continued – Superferry Closing Distance/ Ka Nani Kai Undetected:**

Medeiros returned to describing the May 5, 2008 incident. He said that he was traveling in an easterly direction, while the Superferry was traveling on a North Easterly track. As it became increasingly apparent that his presence in the water went undetected, Medeiros decided to alter his course in order to yield to the Superferry, "veering off toward O'ahu,

while the Superferry kept going". Medeiros said that if he had not altered his course a hazardous situation would have developed or a collision would have occurred.

**Superferry Comes Within 100 yards of the 'Ka Nani Kai'**

According to Medeiros, at its closest location the Superferry passed within (approximately) 100 yards of the Ka Nani Kai, traveling at about 30 knots, while maintaining its north easterly course. In order to avoid any negative impact from the wake caused by the Superferry, Medeiros turned his vessel so that his bow was facing the on coming surge.

Medeiros said that the Superferry was close enough that he could see passengers through the glass; they appeared to be standing. He said that he observed one passenger in a red shirt, near the rear of the vessel, standing at a location where there was no glass. He described the situation in the following manner; "I saw glass, glass, glass and then one passenger standing outside of the glass area, wearing one red shirt."

**US Coast Guard Notified:**

Medeiros notified the US Coast Guard and apprised them of the incident. The USCG said that he (Medeiros) had a responsibility to yield to the Superferry in order to avoid or prevent a collision. Medeiros informed the USCG that he agreed, however the Superferry also had an equal responsibility to do the same.

**Navigational Hazard:**

Medeiros said that he was not filing a complaint, however had a concern about the navigational hazard this situation presents. He said that if the "Alaka'i" was unable to detect his vessel on their radar, what would happen to bottom fishermen who are anchored or drifting and unable to yield to a rapidly approaching vessel in time to avoid a collision. He said that the Alaka'i was transiting an area that is popular with bottom fishermen. He was further concerned by the fact that the Superferry has now begun to travel at night, increasing the possibility of a mishap.

**Changes in Course of Travel Arbitrary or Planned:**

Medeiros said that in the past he has observed the Superferry traveling in an easterly direction when transiting waters off of Maunaloa Bay. He wanted to know if the Superferry issues navigational advisories to the boating public when they change their course of travel or whether these changes are arbitrary. He felt that it was important for the public to be properly informed of the Superferry routes because it would increase advanced opportunities for boaters to stay clear of this high speed vessel.

**Medeiros - Boating Experience:**

Medeiros said that he has been operating boats for 30 years; He has a Captain's license and served as the Commodore for the Maui Trailer Boat Club for 10 years.

**Submitted By-- Randy Awo**